

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the joint petition of:

WASHINGTON STATE DEPARTMENT
OF CHILDREN, YOUTH & FAMILIES

and

SEIU HEALTHCARE 1199NW

For clarification of existing
bargaining units.

CASE 132109-C-19
DECISION 13072 - PSRA

CASE 132110-C-19
DECISION 13073 - PSRA

CORRECTED ORDER CLARIFYING
BARGAINING UNITS

Jane Hopkins, Organizer, for SEIU Healthcare 1199NW.

Gina Comeau, Labor Negotiator, for the Office of Financial Management.

The SEIU Healthcare 1199NW (union) represents nonsupervisory and supervisory bargaining units of registered nurses at the Department of Social and Health Services (DSHS). *State – Social and Health Services*, Decision 8507 (PSRA, 2004). In 2018, the legislature transferred portions of the union’s nonsupervisory and supervisory bargaining units from DSHS to the newly created Washington State Department of Children, Youth & Families (DCYF or employer) effective July 1, 2018. Laws of 2017, 3rd Spec. Sess., ch. 6 (HB 1661). HB 1661 permitted the parties to ask this agency to review the continued appropriateness of any bargaining unit transferred to DCYF and modify any bargaining to ensure its continued appropriateness.

On August 12, 2019, the union and employer jointly filed a unit clarification petition under WAC 391-35-085 asking that the Commission amend the existing certifications to reflect that the DCYF is now the employer of record. The parties stipulated that the portions of the bargaining units transferred to DCYF did not require modification to ensure their continued appropriateness other than amending the existing certification to reflect the name of the employer of record. The request for amendments is granted.

A party may petition for an amendment to an existing certification pursuant to WAC 391-35-085.

That rule provides that:

A party may file a petition to amend an existing certification, and the executive director may amend the certification, provided that the purpose of the amendment is to reflect changed circumstances such as the name of a labor organization or the name of an employer, and the bargaining unit is not affected by the change and there is no question concerning representation.

Under section 8003 of HB 1661, the portion of any bargaining unit of employees transferred from DSHS to DCYF is deemed appropriate unless modified by this agency. Here, neither DCYF nor the union is asking this agency to review the appropriateness of a bargaining unit under section 8003 of HB 1661; rather, the parties are simply asking that the unit description be amended to reflect that DCYF is the employer of the portions of the newly created nonsupervisory and supervisory registered nurse bargaining units. The request for amendment is granted and the bargaining unit description will be updated to reflect the changes brought about by the legislation.

ORDER

1. Case 132109-C-19: The portion of the nonsupervisory registered nurses bargaining unit certified as appropriate in *State – Social and Health Services*, Decision 8507, that transferred to the newly created Washington State Department of Children, Youth & Families is amended to reflect that the employer has changed its name, as follows:

All nonsupervisory civil service registered nurse employees of the Washington State Department of Children, Youth & Families, excluding supervisors, the classifications of Registered Nurse 4 and Nursing Consultant Advisor, confidential employees, internal auditors, Washington Management Service employees (on and after July 1, 2004), employees in other bargaining units, and employees historically excluded from the unit by orders of the Washington Personnel Resources Board or its predecessors.

2. Case 132110-C-19: The portion of the supervisory registered nurses bargaining unit certified as appropriate in *State – Social and Health Services*, Decision 8507, to the newly created Washington State Department of Children, Youth & Families is amended to reflect that the employer has changed its name, as follows:

All supervisory civil service registered nurse employees of the Washington State Department of Children, Youth & Families, excluding nonsupervisory employees, the classifications of Registered Nurse 4 and Nursing Care Consultant Advisor, confidential employees, internal auditors, Washington Management Service employees (on and after July 1, 2004), employees in other bargaining units, and employees historically excluded from the unit by orders of the Washington Personnel Resources Board or its predecessors.

ISSUED at Olympia, Washington, this 8th day of October, 2019.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in black ink, appearing to read "M. Sellars", written over a horizontal line.

Michael P. Sellars, Executive Director

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under WAC 391-35-210.



RECORD OF SERVICE

ISSUED ON 10/08/2019

DECISIONS 13072 – PSRA and 13073 - PSRA has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

BY: DEBBIE BATES

CASES 132109-C-19 and 132110-C-19

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