

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

UNIVERSITY OF WASHINGTON

For clarification of an existing bargaining
unit represented by:

SEVICE EMPLOYEES
INTERNATIONAL UNION, LOCAL 925

CASE 131470-C-19

DECISION 13108 - PSRA

ORDER CLARIFYING
BARGAINING UNIT

Karen Hart, President, for the Service Employees International Union, Local 925.

Carson Flora, General Counsel, for SEIU Healthcare 1199NW.

Henry Farber, Attorney at Law, and *John Hodges-Howell*, Attorney at Law, Davis Wright Tremaine, for the University of Washington.

Northwest Hospital & Medical Center (Northwest) is a private nonprofit tax-exempt community hospital located in Seattle, Washington. Northwest and the University of Washington (University) entered into an agreement where the University will operate Northwest as a campus of the University of Washington Medical Center (UWMC) starting January 1, 2020. As a result of the merger, all employees at Northwest will become University employees and many of them will be functionally integrated with similarly situated employees of UWMC. Some positions will also be co-located with existing UWMC positions who perform the same work.

Service Employees International Union, Local 925 (Local 925) represents a bargaining unit of nonsupervisory healthcare professional/laboratory technical employees at the University. *University of Washington*, Decision 10262 (PSRA, 2008). This bargaining unit includes approximately 4000 employees, including approximately 400 employees at UWMC who perform “shared services” work. Shared services employees provide financial management, transactional processing, and information technology services to units and departments across the University. SEIU Healthcare 1199NW (1199NW) represents a historical bargaining unit of nonsupervisory employees at Northwest that includes employees who perform financial management,

transactional processing, and information technology services duties. These duties are nearly identical to shared services duties performed by existing University employees. 1199NW also represents a separate bargaining unit of clinical employees that includes positions who work in the McMurray Building on the Northwest campus. That clinical employees bargaining unit was recently certified by the National Labor Relations Board. Case 19-RC-238835.

On April 26, 2019, the University filed a unit clarification petition concerning certain employees in 1199NW's bargaining unit who perform shared services work similar to shared services work performed by Local 925 bargaining unit employees. The University asks that Local 925's bargaining unit be clarified to include the nonsupervisory employees performing shared services at Northwest to avoid work jurisdiction issues.

Representation Case Administrator Dario de la Rosa conducted an investigation that included meeting with the parties to determine if the University's petition could be resolved without the need of a hearing. The parties agree that the represented and nonrepresented employees performing shared services work at Northwest share a community of interest with the employees in Local 925's bargaining unit. The parties also agree that certain clinical employees working at the Northwest campus's McMurray Building maintain a community of interest with the employees in 1199NW's bargaining unit and should continue to be represented by 1199NW.

Local 925's bargaining unit shall be clarified to include employees performing shared services work at UWMC, regardless of work location. These positions perform work that is universal across UWMC, and to bifurcate the work into more than one bargaining unit would create work jurisdiction issues. 1199NW's Northwest campus bargaining unit shall continue to include certain clinical employees working at the McMurray Building at the Northwest campus because these employees continue to share a community of interest with that bargaining unit.

ANALYSIS

Applicable Legal Standards

The determination of appropriate bargaining units is a function delegated to this agency by the legislature. *City of Richland*, Decision 279-A (PECB, 1978), *aff'd*, *International Association of Fire Fighters, Local 1052 v. Public Employment Relations Commission*, 29 Wn. App. 599 (1981), *review denied*, 96 Wn.2d 1004 (1981). The goal in making bargaining unit determinations is to group together employees who have sufficient similarities (community of interest) to indicate that they will be able to bargain effectively with their employer. *Quincy School District*, Decision 3962-A (PECB, 1993). When making bargaining unit determinations, the Commission seeks to avoid fragmentation and potential work jurisdiction disputes. *King County (ATU Local 587)*, Decision 6696 (PECB, 1999). Bargaining unit determinations are made on a case-by-case basis. *King County*, Decision 5910-A (PECB, 1997).

Included in this agency's authority to determine an appropriate bargaining unit is the power to modify that unit, upon request, through a unit clarification proceeding. *University of Washington*, Decision 11590 (PSRA, 2012), *aff'd*, Decision 11590-A (PSRA, 2013); *see also Pierce County*, Decision 7018-A (PECB, 2001). Unit clarification cases are governed by the provisions of chapter 391-35 WAC. The general purpose of the unit clarification process is to provide this agency, as well as the parties to a collective bargaining relationship, a mechanism to make changes to an appropriate bargaining unit based upon a change of circumstances. *See, e.g., Toppenish School District*, Decision 1143-A (PECB, 1981) (outlining the procedures to remove supervisors from existing bargaining units). Unit clarification proceedings can be used to determine the bargaining unit placement of newly created positions. WAC 391-35-020(1)(a).

In making bargaining unit determinations, the Commission considers "the duties, skills, and working conditions of the employees; the history of collective bargaining; the extent of organization among the employees; the desires of the employees; and the avoidance of excessive fragmentation." RCW 41.80.070. The criteria are not applied on a strictly mathematical basis. *King County*, Decision 5910-A. Not all of the factors will arise in every case and any one factor

could be more important than another, depending on the facts. *Renton School District*, Decision 379-A (EDUC, 1978), *aff'd*, *Renton Education Association v. Public Employment Relations Commission*, 101 Wn.2d 435 (1984).

An accretion may be ordered when changed circumstances lead to the existence of positions that logically belong only in one existing bargaining unit. *Id.*; *City of Auburn*, Decision 4880-A (PECB, 1995). In order for an accretion to be directed, the resulting unit must be appropriate. *Pierce County*, Decision 6051-A (PECB, 1998). An accretion will be denied if the positions could stand on their own as a separate bargaining unit or could appropriately be placed in any other bargaining unit. *City of Auburn*, Decision 4880-A. An accretion cannot be ordered where the number of employees to be added to the bargaining unit is so large as to call into question the union's majority status in the enlarged unit. *Port of Seattle*, Decision 11131 (PORT, 2011). The party proposing accretion bears the burden of demonstrating that conditions for accretion are present. *State – Enterprise Services (Contracts & Legal Services)*, Decision 11652-A (PSRA, 2013); *City of Auburn*, Decision 4880-A.

Application of Standards

When the University acquired Northwest and decided to integrate Northwest into the UWMC system, it did so with the intent to create a single hospital system with multiple campuses. The University also expects employees performing shared services duties, such as financial management, transactional processing, and information technology services, across the UWMC to be integrated. This includes the employees who perform these functions at the Northwest campus.

Local 925 represents employees performing shared services at UWMC in the following job classes:¹

- fiscal specialist 1 and 2
- patient account representative 1, 2, 3, and lead

¹ There are other employees in these job classes who are included in Local 925's bargaining unit but who do not perform shared services.

- coding specialist 1, 2, 3, and lead
- health information technician 1, 2, and 3
- financial access specialist 1, 2, and lead
- buyer 2 and 3
- patient services specialist 1 (trainee), 2, 3, and lead
- messenger driver; patient care coordinator
- patient services specialist 1 (trainee), 2, 3, and lead
- clinical lab technician 2

Of the 4000 employees in Local 925 nonsupervisory bargaining unit, approximately 400 positions perform shared services duties.

At Northwest, there are approximately 61 positions represented by the 1199NW who are in job classes that perform duties nearly identical to the shared services positions represented by Local 925, including:

- coder/analyst
- coding specialist lead
- coding specialist
- HIM ROI tech II
- HIM specialist
- HIM specialist II
- financial access specialist
- all information technology positions

These positions will receive a UWMC job classification once Northwest is fully integrated into the UWMC system and will continue to work at the Northwest campus.

Certain job classes that currently work at Northwest will be relocated to central locations away from the Northwest campus and will be co-located with other similarly situated employees. There

are approximately 32 positions represented by the 1199NW that fit this category, including employees in the following job classes:

- financial counselor – admitting
- LAB/DI billing representative
- LAB/DI billing representative lead
- medical records clerk II (once moved away from the northwest campus)
- client services representative (LAB)
- courier – LAB
- buyer
- senior buyer
- scheduler – DI/OR
- all information technology positions

These positions will receive a UWMC job classification once Northwest is fully integrated into the UWMC system.

Finally, there are approximately 41 unrepresented positions at Northwest who perform shared services functions, including employees in the following job classes:

- professional fee coder
- professional fee coder lead
- accounting clerk
- accounts/payable clerk
- patient account analyst
- patient account representative II
- patient account representative lead
- department assistant II – executive business department
- application analyst I lead

- application analyst I
- clinic charge entry specialist

These positions will receive a UWMC job classification once Northwest is fully integrated into the UWMC system.

All these shared services employees at Northwest only share a community of interest with Local 925's bargaining unit. The duties, skills, and working conditions for these employees are the same as the duties, skills, and working conditions of the existing shared services employees in Local 925's bargaining unit. Furthermore, these positions will be functionally integrated once the merger is complete.

The extent of organization also supports a conclusion that the shared services employees who are being integrated into the UWMC workforce only share a community of interest with Local 925's bargaining unit. Local 925 represents all shared services positions at UWMC. This is particularly true for those positions that are being moved off of the Northwest campus and co-located with other Local 925 represented shared services positions. Bifurcating the representation for these employees would create work jurisdiction issues.

The shared services employees can be added to Local 925's bargaining unit without the need of an election. There are approximately 400 shared services positions in Local 925's bargaining unit at UWMC, approximately 61 positions represented by 1199NW, and approximately 41 unrepresented positions. Adding the 1199NW represented and unrepresented positions to Local 925's bargaining unit would not call into question Local 925's majority status and neither 1199NW nor the University are questioning that Local 925's existing nonsupervisory bargaining is the appropriate bargaining for these positions.

McMurray Clinical Employees

The NLRB recently certified 1199NW as the exclusive bargaining representative of a bargaining unit of clinical employees working for Northwest Hospital and its associated clinics. Some of the

employees in the clinical employees bargaining unit work at the McMurray Building which is part of the Northwest campus. This includes employees in the medical assistant, clinic patient services specialist, clinic patient care coordinator, clinic referral coordinator, clinic scheduler, and clinical surgical scheduler job class series. While these positions have certain similarities as the shared services employees at UWMC, these employees work specifically for the clinics, and not the hospital. No apparent work jurisdiction issues will arise if these employees were in a separate bargaining unit from the other shared services employees and the parties have not presented facts demonstrating the community of interest for these employees has been disturbed. Absent such evidence, these employees maintain a community of interest with the existing 1199NW clinical employees bargaining unit and cannot accreted to a different bargaining unit through a unit clarification.

FINDINGS OF FACT

1. The University of Washington is an employer within the meaning of RCW 41.80.005(8).
2. Service Employees International Union, Local 925 is an employee organization within the meaning of RCW 41.80.005(7).
3. SEIU Healthcare 1199NW is an employee organization within the meaning of RCW 41.80.005(7).
4. Northwest Hospital & Medical Center (Northwest) is a private nonprofit tax-exempt community hospital located in Seattle, Washington. Northwest and the University of Washington (University) entered into an agreement where the University will operate Northwest as a campus of the University of Washington Medical Center (UWMC) starting January 1, 2020.
5. Local 925 represents a bargaining unit of nonsupervisory healthcare professional/laboratory technical employees at the University. This bargaining unit

includes approximately 4000 employees, of which approximately 400 at UWMC who perform “shared services” work. Shared services employees provide financial management, transactional processing, and information technology services to units and departments across the University.

6. SEIU Healthcare 1199NW (1199NW) represents a historical bargaining unit of nonsupervisory employees at Northwest that includes employees who perform financial management, transactional processing, and information technology services duties. These duties are nearly identical to shared services duties performed by existing University employees.
7. 1199NW also represents a separate bargaining unit of clinical employees that includes positions who work in the McMurray Building on the Northwest campus.
8. When the University acquired Northwest and decided to integrate Northwest into the UWMC system, it did so with the intent to create a single hospital system with multiple campuses. The University also expects employees performing shared services duties, such as financial management, transactional processing, and information technology services across the UWMC to be integrated.
9. At Northwest, there are approximately 61 positions represented by the 1199NW who are in job classes that perform duties nearly identical to the shared services positions represented by Local 925, including:
 - coder/analyst
 - coding specialist lead
 - coding specialist
 - HIM ROI tech II
 - HIM specialist
 - HIM specialist II

- financial access specialist
- all information technology positions

These positions will receive a UWMC job classification once Northwest is fully integrated into the UWMC system and will continue to work at the Northwest campus.

10. Certain job classes that currently work at Northwest will be relocated to central locations away from the Northwest campus and will be co-located with other similarly situated employees. There are approximately 32 positions represented by the 1199NW that fit this category, including employees in the following job classes:

- financial counselor – admitting
- LAB/DI billing representative
- LAB/DI billing representative lead
- medical records clerk II (once moved away from the northwest campus)
- client services representative (LAB)
- courier – LAB
- buyer
- senior buyer
- scheduler – DI/OR
- all information technology positions

These positions will receive a UWMC job classification once Northwest is fully integrated into the UWMC system.

11. There are approximately 41 unrepresented positions at Northwest who perform shared services functions, including employees in the following job classes:
 - professional fee coder
 - professional fee coder lead
 - accounting clerk

- accounts/payable clerk
- patient account analyst
- patient account representative II
- patient account representative lead
- department assistant II – executive business department
- application analyst I lead
- application analyst I
- clinic charge entry specialist

These positions will receive a UWMC job classification once Northwest is fully integrated into the UWMC system.

12. The shared services employees described in findings of fact 9, 10, and 11 at Northwest share the same duties, skills, and working conditions as the existing shared services employees in Local 925's bargaining unit described in finding of fact 5 and these positions will be functionally integrated.
13. The NLRB recently certified 1199NW as the exclusive bargaining representative of a bargaining unit of clinical employees working for Northwest Hospital and its associated clinics. Some of the employees in the clinical employees bargaining unit work at the McMurray Building which is part of the Northwest campus. No apparent work jurisdiction issues will arise if these employees were in a separate bargaining unit from the other shared services employees and the parties have not presented facts demonstrating the community of interest for these employees has been disturbed.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction over this matter pursuant to chapter 41.80 RCW and chapter 391-35 WAC.
2. Based upon findings of fact 4, 5, 6, 8, and 12, the employees described in findings of fact

9, 10, and 11 only share a community of interest with the bargaining unit described in finding of fact 5.

3. Based upon finding of fact 13, the employees described in finding of fact 7 do not share a community of interest with the bargaining unit described in finding of fact 5.

ORDER

Effective January 1, 2020, the employees described in findings of fact 9, 10, and 11 shall be added to the bargaining unit described in finding of fact 5 without the need of an election.

ISSUED at Olympia, Washington, this 12th day of December, 2019.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



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 12/12/2019

DECISION 13108 - 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

CASE 131470-C-19

EMPLOYER: UNIVERSITY OF WASHINGTON

REP BY: BANKS EVANS III
UNIVERSITY OF WASHINGTON
4300 ROOSEVELT WAY NE
PO BOX 354960
SEATTLE, WA 98195
bankse@uw.edu

JOHN HODGES-HOWELL
DAVIS WRIGHT TREMAINE
920 5TH AVE STE 3300
SEATTLE, WA 98104
jhodgeshowell@dwt.com

HENRY FARBER
DAVIS WRIGHT TREMAINE
777 108TH AVE NE STE 2300
BELLEVUE, WA 98004-5149
henryfarber@dwt.com

PARTY 2: SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 925

REP BY: KAREN HART
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 925
1914 N 34TH ST STE 100
SEATTLE, WA 98103
khart@seiu925.org

PARTY 3: SEIU HEALTHCARE 1199NW

REP BY: CARSON FLORA
SEIU HEALTHCARE 1199NW
15 S GRADY WAY STE 200
RENTON, WA 98057
carsonf@seiu1199nw.org