

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 131471-C-19

DECISION 13109 - PSRA

ORDER CLARIFYING  
BARGAINING UNIT

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

*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 supervisory healthcare professional/laboratory technical employees at the University. *University of Washington*, Decision 9698 (PSRA, 2007). This bargaining unit includes approximately 390 employees including approximately 42 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.

On April 26, 2019, the University filed a unit clarification petition concerning the unrepresented supervisory employees at Northwest who perform shared services work similar to the shared

services work performed by Local 925 bargaining unit employees. The University asks that Local 925's bargaining unit be clarified to include the supervisory 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 nonrepresented supervisory employees performing shared services work at Northwest share a community of interest with the supervisory employees in Local 925's bargaining unit.

Local 925's bargaining unit shall be clarified to include supervisory 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.

## 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 supervisory employees performing shared services at UWMC in the following job classes<sup>1</sup>:

- patient account representative supervisor
- health information specialist
- patient services specialist supervisor
- patient care coordinator supervisor

Of the 390 employees in Local 925 supervisory bargaining unit, approximately 42 position perform shared services duties.

At Northwest, there are approximately 12 unrepresented supervisory positions who are in job classes that perform duties nearly identical to the shared services positions represented by Local 925, including:

- supervisory patient financial services
- health information management supervisor
- support services supervisor

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

- clinic supervisor

These positions will receive a UWMC job classification once Northwest is fully integrated into the UWMC system and will work at the Northwest campus. Some positions may be moved off of the Northwest campus and co-located with similarly situated employees.

The supervisory 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 42 shared services positions in Local 925's bargaining unit at UWMC and approximately 12 unrepresented positions. Adding the unrepresented positions to Local 925's bargaining unit would not call into question Local 925's majority status and the University is not questioning that Local 925's existing supervisory bargaining is the appropriate bargaining for these positions.

#### 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. 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.
4. Local 925 represents a bargaining unit of supervisory healthcare professional/laboratory technical employees at the University. This bargaining unit includes approximately 390 employees, of which approximately 42 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.
5. 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.
6. At Northwest, there are approximately 12 unrepresented supervisory positions who are in job classes that perform duties nearly identical to the shared services positions represented by Local 925, including:
  - supervisory patient financial services
  - health information management supervisor
  - support services supervisor
  - clinic supervisor
7. These positions will receive a UWMC job classification once Northwest is fully integrated

into the UWMC system and will work at the Northwest campus. Some positions may be moved off of the Northwest campus and co-located with similarly situated employees.

8. The shared services employees described in finding of fact 6 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 4 and these positions will be functionally integrated.

#### 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 3, 4, and 5, the employees described in finding of fact 6 only share a community of interest with the bargaining unit described in finding of fact 4.

#### ORDER

Effective January 1, 2020, the employees described in finding of fact 6 shall be added to the bargaining unit described in finding of fact 4 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

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ISSUED ON 12/12/2019

DECISION 13109 - 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 131471-C-19

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