

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

WASHINGTON STATE COUNCIL OF  
COUNTY AND CITY EMPLOYEES

For clarification of an existing bargaining  
unit of employees of:

DOUGLAS COUNTY

CASE 131979-C-19

DECISION 13115 - PECB

ORDER CLARIFYING  
BARGAINING UNIT

*Ed Stemler*, General Counsel, for the Washington State Council of County and City Employees.

*Anthony Menke*, Senior Partner, Menke Jackson Beyer, LLP for Douglas County.

On August 8, 2019, the Washington State Council of County and City Employees (union) filed a representation petition. The petition sought to include the newly created maintenance technician facilities/fairgrounds position into the union's existing bargaining unit of employees employed by Douglas County (employer). The maintenance technician facilities/fairgrounds position shares a community of interest with the existing unit employees. The position must be included within the existing unit to avoid potential work jurisdiction disputes. The union's request is granted because the maintenance technician facilities/fairgrounds position clearly falls within the scope of the definition of the 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).

Ordinarily, employees are permitted a voice in the selection of an exclusive bargaining representative. RCW 41.56.070. Accretions are the exception to the statutory rule of employee free choice. An accretion may be ordered when unrepresented employees logically belong in only one existing bargaining unit and the position can neither stand on its own as a separate unit nor be logically accreted to any other existing bargaining unit. *Pierce County*, Decision 6051-A (PECB, 1998), citing *City of Auburn*, Decision 4880-A (PECB, 1995). The resulting bargaining unit must be an appropriate unit.

In making bargaining unit determinations, the Commission considers “the duties, skills, and working conditions of the public employees; the history of collective bargaining by the public employees and their bargaining representatives; the extent of organization among the public employees; and the desire of the public employees.” RCW 41.56.060(1). 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). These statutory factors are applied to cases involving accretions. *State – Enterprise Services (Contracts & Legal Services)*, Decision 11652-A (PSRA, 2013).

#### Application of Standards

The employer operates county facilities in both East Wenatchee and Waterville. These include a courthouse located in East Wenatchee and the North Central Washington Fairgrounds located in Waterville. The union represents a bargaining unit composed of:

All Current Expense regular full-time and regular part-time employees of the Douglas County Assessor's Office, Treasurer's Office, Clerk's Office, Prosecutor's Office, Facilities Maintenance Department, Auditor's Office, District Court, District Court Probation, and MIS Department.

The maintenance technician facilities/fairgrounds position logically belongs only in the union's existing bargaining unit.<sup>1</sup> The existing bargaining unit already includes facilities maintenance technician and courthouse maintenance positions. They report to the facilities maintenance coordinator who supervises certain employees in the Facilities Maintenance Department. The job duties of both positions include providing custodial and other maintenance services at the county courthouse.

In May 2019, the employer created and posted a new maintenance technician facilities/fairgrounds position. The position will work at the county courthouse from November through February. While working at the county courthouse, the position will report to the same facilities maintenance coordinator as the employees in the existing bargaining unit. The position will spend March through October of each year working at the North Central Washington Fairgrounds and will report to the fair manager. The job duties for both work sites involve performing building maintenance and custodial services.

The maintenance technician facilities/fairgrounds position has the same job duties as the employees in the existing bargaining unit. The job duties include performing building maintenance and custodial services at the county courthouse. The position will work in the same location as other bargaining unit employees. Because of the shared job duties and work location, there is a potential for significant work jurisdiction issues if the maintenance technician facilities/fairgrounds position is not included within the existing unit. Finally, the employer's extent of organization supports including the position in the existing unit to maintain the vertical organizational structure within the Facilities Maintenance Department.

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<sup>1</sup> The employer employs other facilities maintenance technicians within its Transportation and Land Services Department. These employees are represented by another labor organization, which disclaimed any interest in representing the position sought by the union in this case.

Based on the shared duties, skills, working conditions, and extent of organization, the maintenance technician facilities/fairgrounds position clearly falls within the union's existing bargaining unit.

#### FINDINGS OF FACT

1. Douglas County (employer) is a public employer within the meaning of RCW 41.56.030(12).
2. The Washington State Council of County and City Employees (union) is a bargaining representative within the meaning of RCW 41.56.030(2).
3. The employer operates county facilities in both East Wenatchee and Waterville. These include a courthouse located in East Wenatchee and the North Central Washington Fairgrounds located in Waterville.
4. The union represents a bargaining unit composed of "All Current Expense regular full-time and regular part-time employees of the Douglas County Assessor's Office, Treasurer's Office, Clerk's Office, Prosecutor's Office, Facilities Maintenance Department, Auditor's Office, District Court, District Court Probation, and MIS Department."
5. The existing bargaining unit already includes facilities maintenance technician and courthouse maintenance positions. They report to the facilities maintenance coordinator who supervises certain employees in the Facilities Maintenance Department. The job duties of both positions include providing custodial and other maintenance services at the county courthouse.
6. In May 2019, the employer created and posted a new maintenance technician facilities/fairgrounds position. The position will work at the county courthouse from November through February. While working at the county courthouse, the position will report to the same facilities maintenance coordinator as the employees in the existing bargaining unit. The position will spend March through October of each year working at

the North Central Washington Fairgrounds and will report to the fair manager. The job duties for both work sites involve performing building maintenance and custodial services.

7. The maintenance technician facilities/fairgrounds position has the same job duties as the employees in the existing bargaining unit. The job duties include performing building maintenance and custodial services at the county courthouse. The position will work in the same location as other bargaining unit employees. Because of the shared job duties and work location, there is a potential for significant work jurisdiction issues if the maintenance technician facilities/fairgrounds position is not included within the existing unit. Finally, the employer's extent of organization supports including the position in the existing unit to maintain the vertical organizational structure within the Facilities Maintenance Department.

#### CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter under chapter 41.56 RCW and chapter 391-35 WAC.
2. Based upon findings of fact 3 through 7, including the maintenance technician facilities/fairgrounds position within the union's existing bargaining unit is appropriate under chapter 41.56 RCW.


ORDER

The maintenance technician facilities/fairgrounds position is added to the union's existing bargaining unit. The bargaining unit description shall remain the same and be defined as follows:

All Current Expense regular full-time and regular part-time employees of the Douglas County Assessor's Office, Treasurer's Office, Clerk's Office, Prosecutor's Office, Facilities Maintenance Department, Auditor's Office, District Court, District Court Probation, and MIS Department.

ISSUED at Olympia, Washington, this 20th 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 12/20/2019

DECISION 13115 - PECB has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

A handwritten signature in black ink, appearing to read "Debbie Bates", is written over a horizontal line.

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CASE 131979-C-19

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