

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

CENTRAL WASHINGTON  
UNIVERSITY

For clarification of an existing bargaining  
unit represented by:

WASHINGTON FEDERATION OF  
STATE EMPLOYEES

CASE 132411-C-19

DECISION 13131 - PSRA

ORDER CLARIFYING  
BARGAINING UNIT

*Herb Harris*, Coordinator of PERC Activities, for the Washington Federation of State Employees.

*Thomas R. Knoll, Jr.*, Assistant Attorney General, Attorney General Robert W. Ferguson, for Central Washington University.

The Washington Federation of State Employees (union) represents a nonsupervisory bargaining unit of mixed class employees at Central Washington University (employer). *Central Washington University*, Decision 13032 (PSRA, 2019); see also *Central Washington University*, Decision 10375 (PSRA, 2009). The bargaining unit includes the employer's nonsupervisory campus police officers and is described as "[a]ll full-time and regular part-time non-supervisory custodial, trades, food services, grounds, plant maintenance and security employees, excluding supervisors and all other employees." *Central Washington University*, Decision 10375.

In 2019, the legislature the granted interest arbitration rights to police officers working at the four-year institutions of higher education. Laws of 2019, ch. 234 (SB 5022). SB 5022 requires this agency to review the continued appropriateness of any bargaining unit that includes campus police officers and modify that bargaining unit to ensure its continued appropriateness.

On December 19, 2019, the employer filed this unit clarification petition asking this agency to remove campus police officers from the existing nonsupervisory bargaining unit and to place those

positions in their own separate bargaining unit due to the different impasse resolution procedures. WAC 391-35-310; *see also Chelan Public Hospital District 2*, Decision 11395 (PECB, 2012). The union did not state any objections to the employer's petition.

The employer's request to remove the campus police officers from the nonsupervisory bargaining unit is granted. Employees eligible for interest arbitration impasse procedures will not be commingled in bargaining units with employees who are not eligible for interest arbitration impasse procedures. *Thurston County Fire Protection District 9*, Decision 461 (PECB, 1978); *King County*, Decision 6668 (PECB, 1999).

### ANALYSIS

The authority to determine an appropriate bargaining unit has been delegated to this Commission by the legislature. RCW 41.80.070(1). In doing so, the legislature outlined a number of factors to consider in making unit determinations for employees covered by chapter 41.80 RCW. Those factors include: 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 41.80.070(1). *See also Community Transit*, Decision 8734-A (PECB, 2005). No one factor predominates and not all statutory factors must be considered in every case. Rather, the factors are collectively applied to discern sufficient similarities or a "community of interest" among the employees so that they will be able to bargain effectively with their employer. *Id.*

Employees eligible for interest arbitration impasse procedures will not be commingled in bargaining units with employees who are not eligible for interest arbitration impasse procedures. *Thurston County Fire Protection District 9*, Decision 461; *King County*, Decision 6668.

Whether employees occupy positions eligible for interest arbitration is determined by statute. When the legislature enacted SB 5022, it provided final and binding interest arbitration as a means of settling labor disputes for uniformed personnel (campus police officers) at the four-year

universities. Because the nonsupervisory campus police officers were already included in a bargaining unit with noninterest arbitration-eligible employees, the legislature recognized that existing bargaining unit would be rendered inappropriate unless a mechanism was in place to allow this agency the opportunity to review bargaining units for continued appropriateness. The employer triggered that review process through its petition and the campus police officers must be placed in their own separate bargaining unit based upon long-standing rule and precedent. The union shall continue to represent the nonsupervisory campus police officers for purposes of collective bargaining.

### ORDER

1. The bargaining unit described in *Central Washington University*, Decision 13032 (PSRA, 2019), shall be modified to remove the nonsupervisory uniformed personnel (campus police officers) as defined by RCW 41.80.005(15). The bargaining unit shall be redefined as follows:

All full-time and regular part-time nonsupervisory custodial, trades, food services, grounds, plant maintenance, and security employees, excluding supervisors, uniformed personnel, and all other employees.

2. The nonsupervisory uniformed personnel shall be placed in a separate bargaining described as follows:

All nonsupervisory uniformed personnel employed by Central Washington University, excluding confidential employees, internal auditors, supervisors, and employees included in any other bargaining unit.

The Washington Federation of State Employees shall continue to represent the bargaining unit of nonsupervisory uniformed personnel (campus police officers) described in this paragraph.

ISSUED at Olympia, Washington, this 7th day of January, 2020.

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 01/07/2020

DECISION 13131 - PSRA has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

BY: AMY RIGGS

CASE 132411-C-19

EMPLOYER: CENTRAL WASHINGTON UNIVERSITY

REP BY: JOANN HUNDTOLT  
CENTRAL WASHINGTON UNIVERSITY  
400 E UNIVERSITY WAY STE 140  
ELLENSBURG, WA 98926-7425  
joann.hundtoft@cwu.edu

THOMAS R. KNOLL, JR.  
OFFICE OF THE ATTORNEY GENERAL  
PO BOX 40145  
7141 CLEANWATER DRIVE SW  
OLYMPIA, WA 98504-0145  
thomas.knoll@atg.wa.gov

PARTY 2: WASHINGTON FEDERATION OF STATE EMPLOYEES

REP BY: HERB HARRIS  
WASHINGTON FEDERATION OF STATE EMPLOYEES  
1212 JEFFERSON ST SE STE 300  
OLYMPIA, WA 98501-2332  
herbh@wfse.org