

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

WASHINGTON PUBLIC EMPLOYEES
ASSOCIATION

For clarification of an existing bargaining unit
of employees of:

KITSAP REGIONAL LIBRARY SYSTEM

CASE 132364-C-19

DECISION 13168 - PECB

ORDER CLARIFYING BARGAINING
UNIT

Jason Holland, Organizing and Research Specialist, for the Washington Public Employees Association.

Sofia Mabee, Attorney at Law, Summit Law Group PLLC, for the Kitsap Regional Library System.

The Washington Public Employees Association (union) and the Kitsap Regional Library System (employer) have agreed to merge two bargaining units and provided evidence that the resulting merged bargaining unit is appropriate, thus the parties' petition to merge two bargaining units is granted. The union represents two bargaining units of employees at the library. The first unit is comprised of 104 full-time and regular part-time employees including library associates and library assistants. *Kitsap Regional Library System, Decision 13101 (PECB, 2019)*. The second unit is comprised of 26 librarians. *Kitsap Regional Library, Decision 10173 (PECB, 2008)*. On December 3, 2019, the union filed a unit clarification petition seeking to merge the two bargaining units. The union provided evidence indicating that the members of both bargaining units had voted in favor of merging the two bargaining units. Additionally, the employer has indicated that it is not opposed to the merger of the bargaining units.

ANALYSIS

Applicable Legal Standards

The Public Employment Relations Commission (PERC) has the authority, delegated by the Legislature, to determine appropriate bargaining units. *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). Included with this authority is the power to, upon request, modify that unit through a unit clarification proceeding. *See Pierce County*, Decision 7018-A (PECB, 2001). 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).

In addition to determining bargaining units, PERC has the authority to merge multiple bargaining units into a single appropriate bargaining unit. Parties must provide evidence of whether the union and employer are in agreement with the merger. If the parties are in agreement, the parties must provide evidence that the resulting bargaining unit is an appropriate unit. *Inchelium School District*, Decision 13104 (PECB, 2019), *White Salmon Valley School District*, Decision 12142 (PECB, 2014). If the resulting bargaining unit is appropriate on its face, then a certification will be issued for the merged unit.

Application of Standards

The request for merger is granted. In this case, the parties are in agreement to merge the two bargaining units. The union has submitted evidence demonstrating that the employees in both bargaining units are in favor of the merger. Thus, the parties are not in dispute about the merger.

Merging the two bargaining units would result in an appropriate bargaining unit and would avoid work jurisdiction issues. Employees in both units have similar duties, skills, and working conditions. The library assistants, library associates, and librarians provide a continuum of services and work in the same locations. All positions provide customer services to patrons that visit the library. They all maintain collection materials and provide assistance with library technology. Additionally, they assist with various library programs. Because of the overlap in duties, if the units remain separate, work jurisdiction issues would arise. Thus the merger is granted.

FINDINGS OF FACT

1. The Kitsap Regional Library (employer) is an employer within the meaning of RCW 41.56.030(12).
2. Washington Public Employees Association (union) is an exclusive bargaining representative within the meaning of RCW 41.56.030(2).
3. The union represents a bargaining unit of full-time and regular part-time employees including library associates and library assistants.
4. The union represents a bargaining unit of librarians.
5. The union and employer agree that the bargaining units described in findings of fact 3 and 4 can be merged to form a single bargaining unit.
6. The employees in the bargaining units described in findings of fact 3 and 4 share a community of interest.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction over this matter pursuant to chapter 41.56 RCW and chapter 391-35 WAC.

2. Based upon findings of fact 5 and 6, a bargaining unit consisting of the employees described in findings of fact 3 and 4 is an appropriate bargaining unit under RCW 41.56.060.

ORDER

The bargaining units described in findings of fact 3 and 4 that are represented by the Washington Public Employees Association are merged to form a single bargaining unit described as follows:

All full-time and regular part-time employees of the Kitsap Regional Library, excluding supervisors, confidential employees, casual employees, temporary employees, interns, and all other employees.

ISSUED at Olympia, Washington, this 17th day of March, 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 03/17/2020

DECISION 13168 - PECB 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 132364-C-19

EMPLOYER: KITSAP REGIONAL LIBRARY SYSTEM

REP BY: MONICA HOUSTON
KITSAP REGIONAL LIBRARY SYSTEM
1301 SYLVAN WAY
BREMERTON, WA 98310
mhouston@krl.org

SOFIA D. MABEE
SUMMIT LAW GROUP PLLC
315 5TH AVE S STE 1000
SEATTLE, WA 98104
sofiam@summitlaw.com

PARTY 2: WASHINGTON PUBLIC EMPLOYEES ASSOCIATION

REP BY: KENT STANFORD
WASHINGTON PUBLIC EMPLOYEES ASSOCIATION
140 PERCIVAL ST NW
OLYMPIA, WA 98502-5438
kent@wpea.org

JASON HOLLAND
WASHINGTON PUBLIC EMPLOYEES ASSOCIATION
140 PERCIVAL ST NW
OLYMPIA, WA 98502
jason@wpea.org