

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

UNIVERSITY OF WASHINGTON

and

SEIU HEALTHCARE 1199NW AND  
WASHINGTON STATE NURSES  
ASSOCIATION

For clarification of an existing bargaining unit.

CASE 133045-C-20

DECISION 13273 - PECB

ORDER CLARIFYING BARGAINING  
UNITS

*Jane Hopkins*, Executive Vice President, for SEIU Healthcare 1199NW.

*Gerald Friesz*, Director of Labor Strategies, for the Washington State Nurses Association.

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

The University of Washington (University) operates a medical healthcare system, UW Medicine. UW Medicine is an umbrella organization that encompasses a number of healthcare entities, some university owned and other private non-profit entities. The following entities operate under the umbrella of UW Medicine: Harborview Medical Center (Harborview) and its associated clinics, the University of Washington Medical Center (UWMC) and its associated clinics, the UWMC – Northwest Campus (formerly known as Northwest Hospital and Medical Center), the University of Washington Neighborhood Clinics (formerly known as the University of Washington Physicians Network) (UW Neighborhood Clinics), Valley Medical Center, Airlift Northwest, and the University of Washington School of Medicine. *University of Washington, Decision 11833 (PSRA, 2013)*.

The UW Neighborhood Clinics operate primary care clinics throughout Western Washington. The UW Neighborhood Clinics employees are not currently employees of the University. On or about January 1, 2021, the UWMC - Northwest Campus will begin performing some<sup>1</sup> of the UW Neighborhood Clinics' work. When the UWMC - Northwest Campus begins doing the work, UW Neighborhood Clinics' employees will become University employees.

Some of the employees at UWMC - Northwest Campus and the UW Neighborhood Clinics are represented by the Washington State Nurses Association (WSNA) and SEIU Healthcare 1199NW (SEIU 1199NW). The University, SEIU 1199NW, and WSNA jointly requested clarification of the existing bargaining units to include positions that will become employed by the University on or about January 1, 2021.

#### WSNA Registered Nurses

WSNA represents a bargaining unit of registered nurses at the UWMC - Northwest Campus. WSNA currently represents all full-time, part-time, and reserve nurses employed as registered nurses by the employer, excluding supervisory and administrative/management positions, and all other employees at the UWMC - Northwest Campus<sup>2</sup>. The existing bargaining unit includes approximately 590 bargaining unit members. WSNA is party to a collective bargaining agreement set to expire June 30, 2021.

#### SEIU 1199NW Registered Nurses

The Neighborhood Clinics have approximately eight unrepresented registered nurse employees and approximately 26 represented registered nurse employees who will become University

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<sup>1</sup> The Neighborhood Clinics currently maintain clinics at 12 locations. On or before January 1, 2021, the Neighborhood Clinics will cease operating some of those clinics. The employees at those clinics will not become employees of the University. If those clinics continue to operate, they will be operated by a different employer and become employees of that employer. Consequently, no work jurisdiction issues will result from this petition.

<sup>2</sup> WSNA has represented registered nurses at UWMC since approximately 1969. *See e.g., University of Washington, Decision 12810 (PSRA, 2017).*

employees in January 2021. The 26 represented employees are in the following classifications: RN Care Manager Exempt, RN Care Manager Non-Exempt, RN Telephonic Services Exempt, and RN Telephonic Services Non-Exempt. In March 2017, the National Labor Relations Board (NLRB) certified SEIU 1199NW as the exclusive bargaining representative of these employees. Eight employees in the following classifications at the Neighborhood Clinics are unrepresented: Employee Health Nurse Non-Exempt, RN Care Manager – Rural Clinics, and RN Care Manager (Per Diem).

#### SEIU 1199NW Professional Employee & Service and Maintenance Employees

SEIU 1199NW represents a bargaining unit of professional employees and a bargaining unit of service and maintenance employees at the UWMC - Northwest Campus. The NLRB originally certified these units when Northwest Hospital was an independent private sector entity. SEIU 1199NW continued to represent the bargaining unit employees when the University began operating Northwest Hospital in January 2020. Each bargaining unit has a collective bargaining agreement that expires June 30, 2021. There are approximately 328 bargaining unit employees in the Professional unit and approximately 856 employees in the Service and Maintenance unit.

#### *UW Neighborhood Clinics Professional Employees*

The parties seek to accrete approximately 25 employees at the UW Neighborhood Clinics into SEIU 1199NW's Professional unit. The 25 employees are in the following classifications: Nutritionist, Licensed Practical Nurse – Rural Clinics, Float/Triage Radiologist Technologist, Radiologic Technologist, Social Worker 1, Social Worker 2, and X-Ray Technician. All 25 employees are currently represented by SEIU 1199NW, which was certified by the NLRB. Additionally, the parties also seek to accrete approximately three unrepresented employees in the Dietician 1 and Dietician 2 classifications at the UWMC - Northwest Campus.

#### *UW Neighborhood Clinics Service and Maintenance Employees*

The parties also seek to accrete approximately 236 represented employees and approximately 11 unrepresented employees at the UW Neighborhood Clinics into SEIU 1199NW's Service and Maintenance bargaining unit. The 236 represented employees are in the following classifications:

Health Navigator, Patient Service Representative, Referral Specialist, Patient Service Representative Lead, Clinical Lab Tech 1, Clinical Lab Technician Lead, Clinical Lab Tech II, Medical Assistant, Back Office Clinic Coordinator, and Medical Assistant – Apprentice. The 11 unrepresented employees are in the following classifications: Patient Service Representative – Rural Clinics, Patient Service Representative Lead – Rural Clinics, Patient Service Representative Technical Lead, Clinical Lab Tech 1 – Rural Clinics, Laboratory Technical Coordinator, and Medical Assistant – Rural Clinics.

The parties' joint request is granted. The January 1 change requires certain positions to be added to WSNA's Registered Nurse bargaining unit, SEIU 1199NW's Professional bargaining unit, and SEIU 1199NW's Service and Maintenance bargaining unit.

## ANALYSIS

### *Applicable Legal Standards*

The determination of appropriate bargaining units is a function delegated to this agency by the legislature. RCW 41.56.060. The goal in making 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. *Central Washington University*, Decision 9963-B (PSRA, 2010); *Quincy School District*, Decision 3962-A (PECB, 1993).

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 existing bargaining unit based upon a change in circumstances to ensure its continued appropriateness. *See, e.g., Toppenish School District*, Decision 1143-A (PECB, 1981) (outlining the procedures to remove supervisors from existing bargaining units).

The change in circumstances that leads to the filing of a unit clarification petition must be a meaningful change in an employee's duties, responsibilities, or working conditions. *University of Washington*, Decision 10496-A (PSRA, 2011) (citing *City of Richland*, Decision 279-A (PECB, 1978)). A mere change in job titles is not necessarily a material change in working conditions that would qualify under chapter 391-35 WAC to alter the composition of a bargaining unit through the unit clarification process. See *University of Washington*, Decision 10496-A. Other types of changes to the workplace environment, such as a reorganization of an employer's workforce, are occurrences that could warrant the filing of a unit clarification petition. See *Lewis County (Teamsters Local 252)*, Decision 6750 (PECB, 1999). Absent a recent change in circumstances, a unit clarification petition will be dismissed as untimely. *University of Washington*, Decision 11590.

A unit clarification petition must be filed within a reasonable period of time following a change in circumstances and the statute does not set forth a particular time frame in which the change must have occurred. WAC 391-35-020. Timeliness is determined by the factual circumstances of each particular case. Reorganizations and reassignments of duties are events that do not occur overnight, and some deference must be granted to allow an employer to make midstream changes to any reorganization that might be occurring. *King County*, Decision 11828 (PECB, 2013), *aff'd*, Decision 11828-A (PECB, 2013). The defining event is a material change to duties or working conditions that necessitates the employer's review and possible reallocation of the affected employees or positions. *University of Washington*, Decision 11590.

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 Standard*

The UWMC - Northwest Campus intends to begin doing the UW Neighborhood Clinics work and those UW Neighborhood Clinic employees will become University employees. All of the employees only share a community of interest with the respective bargaining units.

#### WSNA

All 34 represented and unrepresented employees at UW Neighborhood Clinics in the seven classifications will be accreted into WSNA's existing registered nurse bargaining unit. WSNA has historically represented the registered nurses at UWMC and UWMC - Northwest campus. The parties agree that the duties, skills, and working conditions of the seven classifications at UW Neighborhood Clinics are similar to the duties, skills, and working conditions of WSNA's existing bargaining unit. WSNA's existing bargaining unit has approximately 590 members. Adding the 34 represented and unrepresented position into WSNA's bargaining unit would not call into question WSNA's majority status. None of the parties are challenging the appropriateness of the bargaining unit.

#### SEIU 1199NW

##### *SEIU 1199NW Professional Unit*

All 28 represented and unrepresented UW Neighborhood Clinics and UWMC - Northwest Campus employees identified in the petition will be accreted into SEIU 1199NW's existing Professional unit. The parties agree that the duties, skills, and working conditions of the nine classifications at UW Neighborhood Clinics are similar to the duties, skills, and working conditions of SEIU 1199NW's existing Professional bargaining unit. SEIU 1199NW's existing bargaining unit has approximately 328 members. Adding the 28 represented and unrepresented position into SEIU 1199NW's Professional bargaining unit would not call into question SEIU 1199NW's majority status. None of the parties are challenging the appropriateness of the bargaining unit.

*SEIU 1199NW Service and Maintenance Unit*

All 247 represented and unrepresented UW Neighborhood Clinic employees identified in the petition will be accreted into SEIU 1199NW's existing Service and Maintenance bargaining unit. The parties agree that the duties, skills, and working conditions of the 16 classifications at UW Neighborhood Clinics are similar to the duties, skills, and working conditions of SEIU 1199NW's existing Service and Maintenance bargaining unit. SEIU 1199NW's existing bargaining unit has approximately 856 members. Adding approximately 247 represented and unrepresented positions into SEIU 1199NW's Service and Maintenance bargaining unit would not call into question SEIU 1199NW's majority status. None of the parties are challenging the appropriateness of the bargaining unit.

FINDINGS OF FACT

1. The University of Washington is an employer within the meaning of RCW 41.80.005(8).
2. SEIU Healthcare 1199NW is an employee organization within the meaning of RCW 41.80.005(7).
3. Washington State Nurses Association is an employee organization within the meaning of RCW 41.80.005(7).
4. The University of Washington (University) operates a medical healthcare system, UW Medicine. UW Medicine is an umbrella organization that encompasses a number of healthcare entities, some university owned and other private non-profit entities. The following entities operate under the umbrella of UW Medicine: Harborview Medical Center (Harborview) and its associated clinics, the University of Washington Medical Center (UWMC) and its associated clinics, the UWMC – Northwest Campus (formerly known as Northwest Hospital and Medical Center), the University of Washington Neighborhood Clinics (formerly known as the University of Washington Physicians Network) (UW Neighborhood Clinics), Valley Medical Center, Airlift Northwest, and the University of Washington School of Medicine.

5. The UW Neighborhood Clinics operate primary care clinics throughout Western Washington. The UW Neighborhood Clinics employees are not currently employees of the University. On or about January 1, 2021, the UWMC - Northwest Campus will begin performing some of the UW Neighborhood Clinics' work. When the UWMC - Northwest Campus begins doing the work, UW Neighborhood Clinics' employees will become University employees.
6. Some of the employees at the UWMC - Northwest Campus and the UW Neighborhood Clinics are represented by the Washington State Nurses Association (WSNA) and SEIU Healthcare 1199NW (SEIU 1199NW).
7. WSNA represents a bargaining unit of registered nurses at the UWMC - Northwest Campus. WSNA currently represents all full-time, part-time, and reserve nurses employed as registered nurses by the employer, excluding supervisory and administrative/management positions, and all other employees at the UWMC - Northwest Campus. The existing bargaining unit includes approximately 590 bargaining unit members. WSNA is party to a collective bargaining agreement set to expire June 30, 2021.
8. The Neighborhood Clinics have approximately eight unrepresented registered nurse employees and approximately 26 represented registered nurse employees who will become University employees in January 2021. The 26 represented employees are in the following classifications: RN Care Manager Exempt, RN Care Manager Non-Exempt, RN Telephonic Services Exempt, and RN Telephonic Services Non-Exempt. In March 2017, the National Labor Relations Board (NLRB) certified SEIU 1199NW as the exclusive bargaining representative of these employees. Eight employees in the following classifications at the Neighborhood Clinics are unrepresented: Employee Health Nurse Non-Exempt, RN Care Manager – Rural Clinics, and RN Care Manager (Per Diem).
9. WSNA has historically represented the registered nurses at UWMC and UWMC - Northwest campus. The duties, skills, and working conditions of the seven classifications



at UW Neighborhood Clinics are similar to the duties, skills, and working conditions of WSNA's existing bargaining unit.

10. SEIU 1199NW represents a bargaining unit of professional employees and a bargaining unit of service and maintenance employees at the UWMC - Northwest Campus. The NLRB originally certified these units when Northwest Hospital was an independent private sector entity. SEIU 1199NW continued to represent the bargaining unit employees when the University began operating Northwest Hospital in January 2020. Each bargaining unit has a collective bargaining agreement that expires June 30, 2021. There are approximately 328 bargaining unit employees in the Professional unit and approximately 856 employees in the Service and Maintenance unit.
11. The parties seek to accrete approximately 25 employees at the UW Neighborhood Clinics into SEIU 1199NW's Professional unit. The 25 employees are in the following classifications: Nutritionist, Licensed Practical Nurse – Rural Clinics, Float/Triage Radiologist Technologist, Radiologic Technologist, Social Worker 1, Social Worker 2, and X-Ray Technician. All 25 employees are currently represented by SEIU 1199NW, which was certified by the NLRB. Additionally, the parties also seek to accrete approximately three unrepresented employees in the Dietician 1 and Dietician 2 classifications at the UWMC - Northwest Campus. The parties agree that the duties, skills, and working conditions of the nine classifications at UW Neighborhood Clinics are similar to the duties, skills, and working conditions of SEIU 1199NW's existing Professional bargaining unit.
12. The parties also seek to accrete approximately 236 represented employees and approximately 11 unrepresented employees at the UW Neighborhood Clinics into SEIU 1199NW's Service and Maintenance bargaining unit. The 236 represented employees are in the following classifications: Health Navigator, Patient Service Representative, Referral Specialist, Patient Service Representative Lead, Clinical Lab Tech 1, Clinical Lab Technician Lead, Clinical Lab Tech II, Medical Assistant, Back Office Clinic Coordinator, and Medical Assistant – Apprentice. The 11 unrepresented employees are in the following

classifications: Patient Service Representative – Rural Clinics, Patient Service Representative Lead – Rural Clinics, Patient Service Representative Technical Lead, Clinical Lab Tech 1 – Rural Clinics, Laboratory Technical Coordinator, and Medical Assistant – Rural Clinics. The parties agree that the duties, skills, and working conditions of the 16 classifications at UW Neighborhood Clinics are similar to the duties, skills, and working conditions of SEIU 1199NW’s existing Service and Maintenance bargaining unit.

### 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 7 through 9, the employees described in findings of fact 8 and 9, share a community of interest with the bargaining unit described in finding of fact 7. The bargaining unit description shall be updated and described as follows:

All full-time, part-time, and reserve nurses employed as registered nurses by the University of Washington Medical Center – Northwest, including such nurses in its neighborhood clinics; excluding supervisory and administrative/management positions and all other employees.

3. Based upon findings of fact 5 and 10 through 11, the employees described in finding of fact 11, share a community of interest with the bargaining unit described in findings of fact 10. The bargaining unit description shall be updated and described as follows:

All full-time, part-time, and reserve employees employed by the University of Washington at its facilities located at the University of Washington Medical Center – Northwest, located at 1550 N 115th St, Seattle, and at the UW Neighborhood Clinics located at 1455 NW Leary Way, Suite 250, Seattle (Ballard); 2505 2nd Ave., Suite 200, Seattle (Belltown); 13231 SE 36th St., Suite 110, Bellevue (Factoria); 32018 23rd Ave. South, Federal Way (Federal Way); 1740 NW Maple St., Suite 100, Issaquah (Issaquah); 23213 Pacific Hwy South, Kent (Kent/Des Moines); 103 Washburn Place – PO Box 10, Lopez Island (Lopez Island); 314 NE Thornton Place, Seattle (Northgate); 7 Deye Lane, Eastsound (Orcas Island); 4915 25th Ave. NE,

Suite 300-W, Seattle (Ravenna); 1355 N. 205th St., Shoreline (Shoreline); 750 Republican St., Building F, Floor 2, Seattle (South Lake Union); and 17638 140th Ave. NE, Woodinville (Woodinville) in the following job classifications: Anesthesia Tech; Pharmacy Tech; Pharmacy Purchasing Tech; Electrocardiograph Tech 2; LPN; Pharmacy Technician Lead; Sr Anesthesia Tech; Operating Room Tech Cert; Surg Svcs Resource Tech; Medical Lab Technician; Sr Anesthesia Tech Lead; LPN Ld; Phys Therapy Asst; OSC Resource Coordinator; Ther Recr Specialist (Cert); Respir Therapist (Cert); Pedorthist; Rad Technologist (Reg); Dietitian (Reg); Bereav/Spiritual Svcs Coord; Respir Therapist (Reg); Sr Social Worker (MSW); Geropsych Sr Social Wrker (MSW); Medical Technologist; Radiology Tech Lead; Neurophysiology Technlgst; Mammography Tech; Medical Technologist Lead; CT Technologist; Speech Pathologist; Spec Mammography Tech; Occupational Therapist; Echocardiographer; Vascular Tech; Cardiovascular Tech; Diag Ultrasonographer; Interventional Tech; Phys Therapist; Echo and Vascular Tech; Nuclear Medicine Tech; Spec Mammo & Brst US Tech; Certified Hand Therapist; Diag Ultrasonographer Ld; Cardiac EP Tech; Cardiac Peripheral Tech; Echo and Vascular Tech Lead; Diag Imaging Tech Lead; MRI Technologist; Pharmacist; EXCLUDING confidential employees, supervisors, registered nurses, and all other employees.

4. Based upon findings of fact 5, 10, and 12, the employees described in finding of fact 12, share a community of interest with the bargaining unit described in finding of fact 10. The bargaining unit description shall be updated and described as follows:

All full-time, part-time, and reserve employees employed by the University of Washington at its facilities located at the University of Washington Medical Center – Northwest, located at 1550 N 115th St, Seattle, and at the UW Neighborhood Clinics located at 1455 NW Leary Way, Suite 250, Seattle (Ballard); 2505 2nd Ave., Suite 200, Seattle (Belltown); 13231 SE 36th St., Suite 110, Bellevue (Factoria); 32018 23rd Ave. South, Federal Way (Federal Way); 1740 NW Maple St., Suite 100, Issaquah (Issaquah); 23213 Pacific Hwy South, Kent (Kent/Des Moines); 103 Washburn Place – PO Box 10, Lopez Island (Lopez Island); 314 NE Thornton Place, Seattle (Northgate); 7 Deye Lane, Eastsound (Orcas Island); 4915 25th Ave. NE, Suite 300-W, Seattle (Ravenna); 1355 N. 205th St., Shoreline (Shoreline); 750 Republican St, Building F, Floor 2, Seattle (South Lake Union); and 17638 140th Ave. NE, Woodinville (Woodinville) in the following job classifications: Resident EKG Tech; Medical Asst Apprentice; Materials Hndlg Aide I; Child Care Teachers Aide; Housekeeper I; Courier; Courier-Lab; Food Service Worker; Parking Control Attendant; Retail Assoc - Gift

Shop; Transporter; Housekeeper I (Green); Department Asst I; Medical Records Clk I; Physical Therapy Tech; Switchboard Operator; Materials Hndlg Aide II; Nursing Assistant, Reg; Transporter Lead, Department Asst II; Medical Records Clk II; HIM Clerk II; OR/ED Assistant; Housekeeper II; Groundskeeper I; Diet Clerk; Housekeeper II (Green); Clinic Pt Srvc Spec I; Cert Nursing Asst; Mobility Aide; Cert Nursing Asst Float; Department Asst Lead; Film Librarian Lead; Secretary; Culinary Associate; Medical Records Specialist; HIM Specialist; Housekeeper Lead; DI Outpatient Registration Rep; Admitting Rep; Clinic Pt Srvc Spec II; Child Care Teacher; Client Services Rep; Groundskeeper II; Lab / DI Billing Rep; Medical Asst – Reg; Radiology Tech Asst; EKG Tech (In House Cert); Lab Assistant; Unit Secretary; Unit Secretary Float; HIM Specialist II; OR Secretary; Secretary Lead; Telemetry/Unit Sec; Transcriber, Medical; Instrument Tech; Diet Technician; Maintenance Worker; Food Service Lead; Medical Asst – Cert; DI Support Svcs Lead; Sr Admitting Rep; Admitting Rep Ld; Scheduler, DI / OR; Groundskeeper Lead; Materials Hndlg Aide III; Client Services Rep Lead; Lab/DI Billing Rep Lead; Monitor Technician; Lab Account Specialist; Lab Assistant Technical; Financial Counselor, Admitting; Clinic Pt Srvc Spec III; HIM ROI Tech; Transcriber Lead; Instrument Technician Lead; Lab Assistant Lead; Scheduler Lead; Clinic Patient Care Coord; Lab Asst Technical Lead; Medical Asst - Cert Ld; Financel Counselr-Admitg Ld; Clinic Pt Srvc Spec Ld; HIM ROI Tech II; Administrative Assistant; Buyer; Facilities, Properties, Constr Coord; Inventory Coord; Case Mgmt Asst; Implant Materials Specialist; Maintenance Engineer; Sr Buyer; Allergy Tech; Coder/Analyst; EEG (END) Technician; Sr Maintenance Engineer; Sr Painter; Maintenance Engineer Lead; Coding Specialist; Sr Carpenter; Coding Specialist Lead; Electrician Lead; HVAC Mechanic; Plumbing Specialist; and EXCLUDING confidential employees, supervisors, registered nurses, and all other employees.

ISSUED at Olympia, Washington, this 17th day of December, 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

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ISSUED ON 12/17/2020

DECISION 13273 - PECB has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

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CASE 133045-C-20

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