

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 units  
represented by:

SERVICE EMPLOYEES INTERNATIONAL  
UNION LOCAL 925 AND THE  
WASHINGTON FEDERATION OF STATE  
EMPLOYEES

CASE 133081-C-20

DECISION 13400 - PSRA

ORDER CLARIFYING BARGAINING  
UNIT

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

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

*Jennifer K. Schubert*, Assistant Attorney General, Attorney General Robert W. Ferguson, for the University of Washington.

On October 13, 2020, the University of Washington (employer) filed a unit clarification petition concerning the Telecommunications Operator (operators) job classification working at the University of Washington Medical Center (UWMC), Harborview Medical Center campus. The operators provide communications services for patients and staff by routing calls and on-call paging services. The operators at the Harborview Medical Center campus are currently represented by the Washington Federation of State Employees (WFSE) in its nonsupervisory Harborview Medical Center bargaining unit. The employer also employs operators who worked at the UWMC Montlake campus and the UWMC Northwest campus. Those employees are represented by the Service Employees International Union Local 925 (SEIU) as part of its laboratory-technical employees bargaining unit.

The employer recently consolidated all of its UWMC telecommunications operations to the UWMC Montlake campus facility and standardized the telecommunications software used by the operators. The employer asserts that following this change in circumstances, all of the telecommunications employees at the UWMC Montlake campus facility, including the operators represented by WFSE, now share a community of interest. The employer asserts that the operators represented by WFSE should be moved to the SEIU's bargaining unit to ensure that bargaining unit's continued appropriateness. The SEIU supports the employer's petition and WFSE does not oppose the employer's petition.

The WFSE's bargaining unit shall be clarified to remove the operator positions and those positions shall be moved to the SEIU's bargaining unit. The employer's decision to centralize its telecommunications functions at the UWMC Montlake campus is a change in circumstances that warrants review of the existing bargaining unit configurations. The facts demonstrate that all of the employer's telecommunications employees, including those represented by the WFSE and the SEIU, now share a community of interest. The WFSE's bargaining unit shall be clarified to remove the operators who formerly worked at the Harborview Medical Center campus and those positions shall be added to the SEIU laboratory technical employees bargaining unit.

### BACKGROUND

The UWMC operates three campuses, Harborview, Montlake, and Northwest. Historically, each campus maintained its own telecommunications systems for hospital patients and staff. Employees in the operator job class perform these services by call routing and on-call paging services. The operators also provide lifesaving emergency communications for dispatching emergency code calls as well as alarm monitoring and disaster notification. WFSE represents the 12 operators at the Harborview campus. *University of Washington, Decision 13246 (PSRA, 2020)*. Those employees are included in a bargaining unit of approximately 1221 nonsupervisory employees all of whom are employed at the Harborview campus.

The SEIU represents approximately 22 telecommunications employees, including 15 operators at the Montlake and Northwest campuses. *University of Washington, Decision 13307 (PSRA, 2021)*.

Those employees are included in a bargaining unit of approximately 4555 employees all of whom are employed at the Montlake and Northwest campuses.

Due to technology improvements, the employer is now able to perform telecommunications switchboard functions through a single software platform without reducing service levels. In early 2020, the employer began the process of centralizing and consolidating its telecommunications functions to a single location on the Montlake campus for greater efficiency.

On February 10, 2020, the employer notified WFSE of its intent to consolidate its operators to the Montlake facility. As of May 29, 2020, all of the operators were moved to the Montlake facility and are now part of the same work group, perform the same work, and share the same working conditions such as lines of supervision and scheduling requirements.

## 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).

The change in circumstance that triggers a unit clarification petition under WAC 391-35-020(3) and (4) must be a meaningful change in an employee's duties and responsibilities. *University of Washington*, Decision 10496-A (PSRA, 2011) (citing *City of Richland*, Decision 279-A). 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 trigger 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.

When a unit clarification petition is found to be timely under WAC 391-35-020, the appropriateness of the existing bargaining unit or units is inherently at issue. Even if appropriateness is assumed, as opposed to litigated, this agency may still review the appropriateness of a bargaining unit. *Mead School District*, Decision 7183-A (PECB, 2001). In determining whether an existing bargaining unit or units remain appropriate in a unit clarification proceeding, the Commission applies the same statutory unit determination criteria used to establish the unit's initial appropriateness.

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).

*Application of Standard*

The employer's decision to consolidate its telecommunications represents a change in circumstances that warrants review of the existing bargaining unit structures. WAC 391-35-020; *see also University of Washington*, Decision 11833 (PSRA, 2013) (discussing changes in circumstance). The facts also demonstrate that the telecommunications employees, including the WFSE represented operators, working at the Montlake campus, now share a community of interest because the employees represented by the WFSE and the SEIU all perform the same work using the same software platform and are subject to the same working conditions, such as the need to schedule employees for 24 hour 7 days-a-week coverage.

The extent of organization also supports moving the WFSE represented operators to the SEIU's bargaining unit. The SEIU historically represents the nonsupervisory employees at the UWMC Montlake and Northwest campuses and the WFSE does not represent any employees at those locations. Finally, work jurisdiction issues would be created if the operators were represented by two different unions. Because the SEIU represents a significant majority of the operators working at the Montlake facility which are included in a larger bargaining unit, the WFSE represented operators shall be added to the SEIU's bargaining unit without the need of an election.

ISSUED at Olympia, Washington, this 26th day of August, 2021.

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 08/26/2021

DECISION 13400 - PSRA 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.

BY: DEBBIE BATES

CASE 133081-C-20

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