

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

UW RESEARCHERS UNITED/
INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE AND
AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA
LOCAL UNION 4121

Involving certain employees of:

UNIVERSITY OF WASHINGTON

CASE 134711-E-21

DECISION 13519-B - PECB

ORDER ON ELIGIBILITY
REGARDING COMMUNITY OF
INTEREST

Jacob Metzger and *Amy Bowles*, Attorneys at Law, Douglas Drachler McKee & Gilbrough LLP, for UW Researchers United/UAW Local 4121.

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

The UW Researchers United/UAW 4121 (union) filed a petition to represent a bargaining unit of approximately 1,900 Research Scientist/Engineers (RSEs) who work for the University of Washington (employer). The petitioned-for unit includes all employees of the employer in the RSE Assistant (RSE-A), RSE-1, RSE-2, RSE-3, and RSE-4 job classifications. The employer objected to the inclusion of approximately 214 employees on three grounds: a lack of community interest for two groups of employees, statutory exclusions pursuant to RCW 41.56.021(1)(b)(i-iv), and supervisory objections. An election was conducted, and an interim certification was issued pending the status of the objected-to employees. *University of Washington*, Decision 13519 (PECB, 2022).

The employer asserts that Nicholas Breen is exempt from collective bargaining under RCW 41.56.021(1)(b)(i-iv). The employer also asserts that Martin Sadilek and Breen, if not exempt under RCW 41.56.021, should be excluded from the bargaining unit as supervisors. This partial decision deals only with those objections.

Breen directs the work of an administrative unit and is exempt from collective bargaining under RCW 41.56.021(1)(b)(i). Sadilek does not spend a preponderance of time performing supervisory duties or perform a majority of the supervisory activities required for exclusion. Sadilek does not have the authority to make meaningful changes in the employment relationship. The supervisory authority that the position exercises is similar to a lead worker as opposed to a supervisor. Accordingly, it is appropriate to include Sadilek in the union's bargaining unit.

BACKGROUND

The employer is Washington State's largest university. The employer's human resources, compensation, and research grant compliance functions are centralized. Individual facilities and departments report to and get approval from the centralized system for hiring, termination, and other personnel decisions.

In addition to its academic departments, the employer operates a number of scientific research and engineering facilities. The employer's Office of Research oversees pre-award aspects of research and administers all the regulatory aspects of grants and contracts. The employer receives and relies upon grant funding for several of these facilities—some of which impose obligations on the employer. RSEs perform a wide variety of scientific and engineering work across the employer's departments and facilities. This work is done in numerous settings including clinics or laboratories, in the field, and aboard research vessels.¹

Some RSEs serve as principal investigators. A principal investigator is the individual with ultimate authority and responsibility for leading, directing, and reporting on a research grant or award on behalf of the employer. This includes design, management, and conduct of the project, including budgeting and financial compliance.

¹ The duties and qualifications for the RSE-A, RSE-1, RSE-2, RSE-3, and RSE-4 job classes are detailed in *University of Washington*, Decision 13519-A.

All RSEs have historically been covered by the employer's Professional Staff Program (PSP). The PSP covers certain employees exempt from the state civil service system who are not represented by a union. The PSP dictates among other things, how employees covered by the program are hired, how wages are set, how performance is evaluated, and how employee complaints are handled. The PSP also sets forth the policies for leave, benefits, and accommodation for disability and pregnancy. The PSP is part of the employer's human resources structure, which requires centralized approval for compensation and disciplinary decisions.

Department of Chemistry—Technical Services

The Department of Chemistry is housed within the College of Arts and Sciences. There are approximately 45 faculty, 75–80 postdoctoral employees, and 65 other regular employees working in the department. Approximately 40 separate research groups conduct research in the department. Professor Munira Khalil is the Chair of the department. Khalil sets the education and research goals for the department. Paul Miller is the Executive Director/Administrator of the Department of Chemistry. Miller oversees all department operations other than faculty teaching or faculty research.

Located within the Department of Chemistry is the Technical Services Unit. Technical Services provides all the shared research support services and facilities for the department that are used by university and private sector researchers. This includes nuclear magnetic resonance (NMR) instruments, an electronics shop, mass spectrometry instruments, computer services, and an X-ray crystallography laboratory. The Technical Services Unit receives funding for staff from the Department of Chemistry. Operational funding comes from user fees paid by users of the Technical Service facilities.

Nicholas Breen, an RSE-4, is the Director of Technical Services in the Department of Chemistry. Breen manages the shared research support systems and facilities for the Technical Services Unit. Breen sets the long-range goals and priorities for the unit. Breen develops the budget for Technical Services, proposes the rates to be charged for use of the Technical Services facilities, and manages the budget and expenses for the unit. Breen also manages the 10 employees in the unit, consulting with them about their projects, conducting their performance reviews, and coaching them as

necessary. Breen's role in hiring consists of writing the job description, working with HR to get the opening posted, creating the interview committee, scheduling interviews, participating on the committee, and making a recommendation to Miller, the department administrator. In the one hire made during Breen's tenure, that recommendation was followed. Miller described the department's interview committee process as one based on consensus. Breen occasionally participates in the work. Breen is also the principal investigator on a grant for a new NMR spectrometer.

Martin Sadilek is an RSE-4 and is the Manager of the mass spectrometry facility. Mass spectrometers measure the molecular weight and charge of materials. There are 12 spectrometers in the facility Sadilek manages. The facility is mainly used by chemistry graduate students, but some undergraduates and people from the private sector also use it. Sadilek manages the sign-ups for use of the facilities and provides training on the use of the equipment. Normally, Sadilek works with a colleague, but that position is currently not filled. Sadilek is part of the hiring process for a new person and is working with Nicholas Breen on this process. Sadilek provides Breen information needed to set rates for use of the mass spectrometer.

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), *rev. denied*, 96 Wn.2d 1004 (1981). The purpose of this function is to ensure that there is a community of interest among the employees sufficient to enable them to bargain effectively with their employer. *Quincy School District*, Decision 3962-A (PECB, 1993).

In making bargaining unit determinations, this agency 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). These criteria are not applied on a strictly

mathematical basis. *King County*, Decision 5910-A (PECB, 1997). Not all of the factors will arise in every case, and where they do exist, 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).

This agency's role is to determine whether there is *a* community of interest, not the *best* community of interest. Consequently, the fact that other groupings of employees may also be appropriate, or even more appropriate, does not render the proposed configuration inappropriate. *State – Secretary of State*, Decision 12442 (PSRA, 2015) (citing *Snohomish County*, Decision 12071 (PECB, 2014) and *City of Winslow*, Decision 3520-A (PECB, 1990)).

RCW 41.56.021

RCW 41.56.021 provides collective bargaining rights for higher education staff exempt from chapter 41.06 RCW. *Tacoma Community College*, Decision 12872 (PSRA, 2018). Chapter 41.56 RCW also exempts a number of staff. Managers who formulate, develop, or establish institutional policy, or direct the work of an administrative unit, or who manage, administer, and control a program, including its physical, financial, or personnel resources are exempt from collective bargaining. RCW 41.56.021(1)(b)(i) and (ii). Also exempt are managers who have substantial responsibility for human resources administration, legislative relations, public information, internal audits and investigations, or the preparation and administration of budgets. RCW 41.56.021(1)(b)(iii). Finally, managers at institutions of higher education above the first level of supervision are also exempt from collective bargaining. RCW 41.56.021(1)(b)(iv).

The individual provisions of RCW 41.56.021 must be read disjunctively. *Everett Community College*, Decision 10392 (PECB, 2009), *aff'd*, *Everett Community College*, Decision 10392-B (PECB, 2010). The title of a position is not dispositive of the unit placement of a position because the actual duties are examined when determining whether a position is included or excluded from a bargaining unit. *Everett Community College*, Decision 10392; *Washington State University*, Decision 9613-A (PSRA, 2007); *City of Winslow*, Decision 3520-A (PECB, 1990).

Statutory provisions that preclude employees from collective bargaining rights must be construed narrowly. *International Association of Firefighters, AFL-CIO, Local 469 v. City of Yakima*, 91 Wn.2d 101, 109 (1978). When interpreting statutes administered by this agency, the meaning of the words used in a statute are given the full effect intended by the legislature. *Washington State – Transportation*, Decision 8317-B (PSRA, 2005). The statute’s subject matter and the context in which the word is used must also be considered. *Id.*; *Chamberlain v. Department of Transportation*, 79 Wn. App. 212, 217 (1995). Statutes must be interpreted and construed so that all the language used is given effect and no portion is rendered meaningless or superfluous. *Whatcom County v. City of Bellingham*, 128 Wn.2d 537 (1996).

Supervisor Status

Generally, supervisors are not included in the same bargaining units as the employees they supervise. WAC 391-35-340; *Pend Oreille Public Hospital District 1*, Decision 11197-A (PECB, 2012). Separating supervisors from the rank-and-file bargaining unit avoids the potential for conflicts of interest that would otherwise exist in a combined bargaining unit. WAC 391-35-340.

A supervisory employee is any employee whose preponderance of duties include the independent authority “to hire, assign, promote, transfer, layoff, recall, suspend, discipline, or discharge other employees, or to adjust their grievances, or to recommend effectively such action.” *Granite Falls School District*, Decision 7719-A (PECB, 2003) (citing RCW 41.59.020(4)(d)). “Preponderance” can be met in two different ways. An employee may be a supervisor if a preponderance of the employee’s time is spent performing one or more of the statutory supervisory activities. *City of East Wenatchee*, Decision 11371 (PECB, 2012); *Inchelium School District*, Decision 11178 (PECB, 2011). An employee may also be a supervisor if less than a preponderance of that employee’s time is spent performing supervisory activities, but the employee performs a preponderance of supervisory activities. *City of East Wenatchee*, Decision 11371; *King County*, Decision 12079 (PECB, 2014).

The Public Employment Relations Commission (PERC) places emphasis on whether a disputed position has independent authority to act in the interest of the employer and make meaningful employment changes in the employment relationship. *City of Lakewood*, Decision 12453 (PECB, 2015); *State – Office of Administrative Hearings*, Decision 11503 (PSRA, 2012). If a position merely executes the instructions of a higher-ranking employee when making meaningful change

to the workplace, that employee has not exercised independent judgment. *Id.* (citing *City of Lynnwood*, Decision 8080-A (PECB, 2005), *aff'd*, Decision 8080-B (PECB, 2006)).

The distinguishing characteristic is that the authority does not rise to the level of conflict expressed in the statute that would require separating the employee out of the bargaining unit. *Rosalia School District*, Decision 11523 (PECB, 2012). In determining supervisory status, the agency considers the extent of authority of first-line supervisors to hire, terminate, suspend without pay, or to effectively recommend such actions as being the paramount criteria. *Okanogan County*, Decision 6142-A (PECB, 1998). An employee's exercise of authority to assign and direct work, grant time off, authorize overtime, issue oral or written reprimands, and evaluate and train subordinate employees may be insufficient when that individual does not have authority to hire, terminate, suspend without pay, or effectively recommend such actions. *Id.*

PERC distinguishes supervisors from employees who are "lead workers." Lead workers are not excluded from a subordinate bargaining unit. *City of Lynnwood*, Decision 8080-A. The lead worker may have limited discretionary authority in administrative matters or to direct subordinates in daily job assignments. However, the lead worker does not have independent authority to make meaningful changes in the employment relationship, which is the hallmark of supervisory status. *Id.*; *Grant County*, Decision 4501 (PECB, 1993).

A determination under PERC's definition of supervisor does not negate or strip away any titular or other supervisory authority of that employee. Indeed, an employee may possess a lower level of supervisory authority than the statutory definition contemplates and still be deemed a "supervisor" by subordinates. The distinguishing characteristic is that the authority does not rise to the level of conflict expressed in the statute that would require separating the employee out of the bargaining unit. *Rosalia School District*, Decision 11523.

Application of Standards

Nicholas Breen

Breen directs the work of an administrative unit—the Technical Services Unit—and is exempt from collective bargaining under RCW 41.56.021(1)(b)(i). An administrative unit has been defined

by the Commission as a unit that is “administered or managed as a distinct office, department subdivision, or program that is part of a larger entity, in this case the community college.” *Everett Community College*, Decision 10392-B. The Commission further stated that an administrative unit may also be a “vertical’ unit of an employer’s workforce, regardless of how other employees are organized for purposes of collective bargaining.” *Id.* “Direct,” as used in RCW 41.56.021(1)(b)(i), has been interpreted to “regulate the activity or course of’ or ‘to guide or supervise.” *Id.*

The Technical Services Unit is an administrative unit for purposes of this analysis. It is a distinct subdivision or office of the larger entity or program, the Department of Chemistry.

The union contends that the Technical Services Unit is not a unit under RCW 41.56.021(1)(b)(i) because other portions of the university perform similar technical services for other entities within the university. The union bases this assertion upon the analysis of the director of International Education in *Everett Community College*, Decision 10392-B. In that decision, the Commission concluded that International Education at the college was not an administrative unit because that position’s recruitment activities were not so substantially different to render them unique from recruitment duties performed by other employees.

The Commission’s determination regarding that position is not dispositive in this case. There is nothing in the definition fashioned by the Commission that requires the administrative unit to be the sole entity within the institution performing a certain subset of work. Moreover, such a factor is too limiting and workable for an institution of the size and scope of the University of Washington. In this matter, the Technical Services Unit provides research systems and support for the entire Department of Chemistry. It is a subdivision of the department and an administrative unit under RCW 41.56.021(1)(b)(i).

Breen clearly directs the work of the Technical Services Unit. Breen manages the shared research support systems and facilities for the Technical Services Unit, including the items listed above. Breen sets the long-range goals and priorities for the unit. Breen develops the budget for technical services, proposes the rates to be charged for use of the Technical Services facilities and manages the budget and expenses for the unit. Breen also manages the 10 employees in the unit, consulting

with them about their projects, conducting their performance reviews, and coaching them as necessary. Breen's role in hiring consists of writing the job description, working with HR to get the opening posted, creating the interview committee, scheduling interviews, participating on the committee, and making a recommendation to the department administrator. Breen is exempt from collective bargaining under RCW 41.56.021(1)(b)(i).

Martin Sadilek

Sadilek is not a supervisor within the meaning of WAC 391-35-340. Sadilek does not perform a preponderance of supervisory duties and does not exercise the type of authority that requires exclusion from the bargaining unit. Sadilek does not engage in any of the activities considered to be the paramount criteria of supervisory status.

The employer asserts that Sadilek is a supervisor because Sadilek is identified in the employer's campus-wide system for human resources, payroll, and benefits, directs the work of the RSE reporting to him, trains that RSE, hires, and has authority to discipline. However, the record shows Sadilek does not have the level of authority that creates a conflict by being in the same bargaining unit as the yet-to-be hired RSE-2.² An employee's exercise of authority to assign and direct work, grant time off, authorize overtime, issue oral or written reprimands, and evaluate and train subordinate employees may be insufficient when that individual does not have authority to hire, terminate, suspend without pay, or effectively recommend such actions. *Okanogan County*, Decision 6142-A.

The employer retains the authority to hire, terminate, or suspend an employee without pay several levels above Sadilek at the division Dean level within the College of Arts and Sciences. Because the employer is a large-sized employer and highly decentralized, it also requires that the decision to hire be coordinated through the employer's central human resources section. Coordination of terminations and suspensions without pay includes the Vice President for Human Resources and

² The position reporting to Sadilek is currently vacant. An RSE-1 reported to Sadilek for a number of years until that individual's death in 2021. The employer is in the process of reclassifying that position to RSE-2 and beginning the hiring process.

review by the employer's legal counsel. This type of coordination, while prudent for many reasons, means that employees like Sadilek could only be deemed to be a supervisor if they effectively recommend these types of actions.

Sadilek cannot be said to effectively recommend hires, terminations, or suspensions without pay. Sadilek has never had occasion to recommend discipline of any type.³ If Sadilek did, that recommendation would go to Breen, then to Miller, before ultimately going to the appointing authority, the Vice President for Human Resources, and legal counsel. When asked whether he perceived that he could independently discipline a subordinate employee, Sadilek stated, "I would let the higher-ups do that. I would go through Dr. Breen or Mr. Gladden and Paul Miller if I used the current hierarchy." In fact, Breen has only given a verbal coaching and not recommended any discipline.

The employer asserts that Sadilek effectively recommends with respect to hiring. That is not the case. Sadilek has been part of one hiring process, in 2004, and will have some role in the current hiring process for the RSE-2. There was little testimony about that 2004 hire. Sadilek testified that he interviewed and made a recommendation, but Sadilek also stated, "It wasn't the first candidate *we* chose." (emphasis added). Sadilek further stated, "*We* had some ranking." (emphasis added).

Sadilek's perception of the current hiring process for the vacant RSE-2 is also indicative of a lack of effective recommendation for purposes of determining supervisory authority for bargaining unit placement. Sadilek testified that he "[hoped to] be able to interview the person and have something to say about if [he] like[s] the person or not and if it's a good fit in discussion with my colleagues as well, of course." While Sadilek also said that he anticipated making a recommendation on hiring, he also said that any recommendation would be followed by discussion and stated, "It's not my final approval."

³ It is unclear whether Sadilek has the authority to issue low levels of discipline short of suspension without pay.

Breen's testimony does not show Sadilek to be a supervisor. With respect to the current hiring of the RSE-2, Breen and Sadilek jointly prepared the new job description. Breen testified that he and Sadilek will jointly review the candidates. Breen indicated that Sadilek is "kicking some of this back to me because he has never needed to hire before" While Breen stated that he did not intend to override Sadilek's recommendation, he only stated that he hoped that "[they] will go with Sadilek's suggestion."

Department of Chemistry Administrator Paul Miller further underscored that Sadilek does not effectively recommend with respect to hiring. Miller stated,

Dr. Sadilek and Dr. Breen will probably prevet all the candidates. They'll pick a select group, and then Dr. Breen and Martin -- Dr. Sadilek -- will sit around and decide who they want to put on the first round hiring committee. And we usually have a first panel where we go through and then Dr. Breen and Dr. Sadilek will cherry-pick their top candidates.

And then we have a second round, and we usually bring in faculty for this, so folks who are going to be doing research in the mass spec facility that Martin manages. . . .

The researchers that go through this facility are managed by faculty, so professors, and those professors usually will work with Nick and Martin to find -- it's kind of like the final test because faculty have to work with Nick as well, so -- we're a university. Faculty have the final saying on everything.

In describing the hiring process for Technical Services, Miller stated that Breen makes the final recommendation to the Miller, but that the interview teams utilize consensus in making decisions of whom to recommend. Participation on a hiring panel that makes selections based upon consensus does not equate to an effective recommendation. *Thurston County*, Decision 12727 (PECB, 2017); *City of Tacoma*, Decision 12744 (PECB, 2017).

The employer likens the role of Sadilek to the employee at issue in *City of Kirkland*, Decision 13332 (PECB, 2021). In *City of Kirkland*, the employee at issue had been involved in the hiring of three individuals. In each of those instances, the employee led the process and ultimately

selected the candidate to be hired. The hiring authority stated that they deferred to the employee at issue the decision of whom to hire—even if the hiring authority might have preferred a different candidate. That hiring authority specifically testified that they considered the employee at issue to be doing more than “just make recommendations” and was instead actually doing the hiring. In this instance Sadilek does not rise to that level. Sadilek is not even making recommendations to the actual hiring authority. The evidence demonstrates that Sadilek is not effectively recommending whom to hire sufficient to be deemed a supervisor under WAC 391-35-340.

CONCLUSION

Nicholas Breen directs the work of an administrative unit—the Technical Services Unit—and is exempt from collective bargaining under RCW 41.56.021(1)(b)(i). Martin Sadilek is not a supervisor with an impermissible conflict of interest with the bargaining unit. Breen shall be excluded from the bargaining unit, and Sadilek shall be included in the bargaining unit.

FINDINGS OF FACT

1. The University of Washington is a public employer withing the meaning of RCW 41.56.030(13).
2. The UW Researchers United/UAW 4121 (union) is a bargaining representative within the meaning of RCW 41.56.030(2).
3. The union filed a petition to represent a bargaining unit of approximately 1,900 Research Scientist/Engineers (RSEs) who work for the University of Washington (employer). The petitioned-for unit includes all employees of the employer in RSE Assistant (RSE-A), RSE-1, RSE-2, RSE-3, and RSE-4 job classifications.
4. The employer objected to the inclusion of approximately 214 employees on three grounds: a lack of community interest for two groups of employees, statutory exclusions pursuant to RCW 41.56.021(1)(b)(i–iv), and supervisory objections.

5. An election was conducted, and an interim certification was issued pending the status of the objected-to employees. *University of Washington*, Decision 13519 (PECB, 2022).
6. The employer operates a number of scientific research and engineering facilities. The employer's Office of Research oversees pre-award aspects of research and administers all the regulatory aspects of grants and contracts. RSEs perform a wide variety of scientific and engineering work across the employer's departments and facilities. This work is done in numerous settings including clinics or laboratories, in the field, and aboard research vessels.
7. All RSEs have historically been covered by the employer's Professional Staff Program (PSP). The PSP covers certain employees exempt from the state civil service system who are not represented by a union. The PSP dictates among other things, how employees covered by the program are hired, how wages are set, how performance is evaluated, and how employee complaints are handled. The PSP also sets forth the policies for leave, benefits, and accommodation for disability and pregnancy. The PSP is part of the employer's human resources structure, which requires centralized approval for compensation and disciplinary decisions.
8. The Department of Chemistry is housed within the College of Arts and Sciences. There are approximately 45 faculty, 75–80 postdoctoral employees, and 65 other regular employees working in the department. Approximately 40 separate research groups conduct research in the department. Professor Munira Khalil is the Chair of the department. Khalil sets the education and research goals for the department. Paul Miller is the Executive Director/Administrator of the Department of Chemistry. Miller oversees all department operations other than faculty teaching or faculty research.
9. Located within the Department of Chemistry is the Technical Services Unit. Technical Services provides all the shared research support services and facilities for the department that are used by university and private sector researchers. This includes nuclear magnetic resonance (NMR) instruments, an electronics shop, mass spectrometry instruments, computer services, and an X-ray crystallography laboratory. The Technical Services Unit

receives funding for staff from the Department of Chemistry. Operational funding comes from user fees paid by users of the Technical Service facilities.

10. Nicholas Breen, an RSE-4, is the Director of Technical Services in the Department of Chemistry. Breen manages the shared research support systems and facilities for the Technical Services Unit. Breen sets the long-range goals and priorities for the unit. Breen develops the budget for Technical Services, proposes the rates to be charged for use of the Technical Services facilities, and manages the budget and expenses for the unit. Breen also manages the 10 employees in the unit, consulting with them about their projects, conducting their performance reviews, and coaching them as necessary.
11. Breen's role in hiring consists of writing the job description, working with HR to get the opening posted, creating the interview committee, scheduling interviews, participating on the committee, and making a recommendation to Miller, the department administrator. In the one hire made during Breen's tenure, that recommendation was followed. The department's interview committee process is based on consensus. Breen occasionally participates in the work. Breen is also the principal investigator on a grant for a new NMR spectrometer.
12. Martin Sadilek is an RSE-4 and is the Manager of the mass spectrometry facility. Mass spectrometers measure the molecular weight and charge of materials. There are 12 spectrometers in the facility Sadilek manages. The facility is mainly used by chemistry graduate students, but some undergraduates and people from the private sector also use it. Sadilek manages the sign-ups for use of the facilities and provides training on the use of the equipment. Sadilek provides Breen information needed to set rates for use of the mass spectrometer. Normally, Sadilek works with a colleague, but that position is currently not filled. Sadilek is part of the hiring process for a new person and is working with Breen on this process. Sadilek has never had occasion to recommend discipline of any type.
13. The employer retains the authority to hire, terminate, or suspend an employee without pay at the division Dean level within the College of Arts and Sciences. The employer also requires that the decision to hire be coordinated through the employer's central human

resources section. Coordination of terminations and suspensions without pay includes the Vice President for Human Resources and review by the employer's legal counsel.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction over this matter pursuant to chapter 41.56 RCW and chapter 391-25 WAC.
2. Based upon findings of fact 8 through 11, Nicholas Breen directs the work of an administrative unit within the meaning of RCW 41.56.021(1)(b)(i).
3. Based upon findings of fact 12 and 13, Martin Sadilek is not a supervisor within the meaning of WAC 391-35-340.

ORDER

1. Nicholas Breen is exempt from collective bargaining under RCW 41.56.021(1)(b)(i) and excluded from the bargaining unit described in *University of Washington*, Decision 13519.
2. Martin Sadilek is included in the bargaining unit certified in *University of Washington*, Decision 13519.

ISSUED at Olympia, Washington, this 28th day of September, 2022.

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 391-25-660.



RECORD OF SERVICE

ISSUED ON 09/28/2022

DECISION 13519-B - 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 134711-E-21

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