

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

UNIVERSITY OF WASHINGTON

and

RESIDENT & FELLOW PHYSICIAN  
UNION - NORTHWEST

For clarification of an existing bargaining unit.

CASE 136151-C-23

DECISION 13634 - PECB

ORDER AMENDING CERTIFICATION

*Danielle Franco-Malone*, Attorney at Law, Barnard Iglitzin & Lavitt LLP, for the Resident & Fellow Physician Union - Northwest.

*Banks Evans III*, Assistant Vice President, Labor Relations, for the University of Washington.

On January 18, 2023, the University of Washington (employer) and Resident & Fellow Physician Union - Northwest (union) jointly filed a unit clarification petition seeking to amend the bargaining unit certification for the union's bargaining unit. The union recently affiliated with the Committee of Interns and Residents (CIR) which is the largest housestaff union in the United States that represents resident physicians and fellows. The CIR is also a local of the Service Employees International Union (SEIU). The parties have demonstrated that the necessary elements for an affiliation have been met and the certification will be amended.

The union represents the following employees in the University of Washington School of Medicine: residents and fellows in ACGME-accredited programs (which, as of August 28, 2014, includes Residents, Fellows, Chief Residents, Fellow/Senior Fellow Trainee Dual Appointments, and Resident/Senior Fellow Trainees dual appointments); Otolaryngology Research Residents; Surgery Research Residents; Urology Research Residents; Gynecologic Oncology Fellows; Adult Congenital Heart Disease Fellows; and Maternal Fetal Medicine Fellows. The bargaining unit also

includes the residents in the University of Washington School of Dentistry. When the unit was originally certified, the union's name was University of Washington Housestaff Association. In December 2020, the union changed its name, and this agency amended the bargaining unit certification to capture that change. *University of Washington*, Decision 13264 (PECB, 2020). The Resident & Fellow Physician Union – Northwest and University of Washington are parties to a collective bargaining agreement that expires in June of 2025.

### ANALYSIS

#### *Applicable Legal Standard*

Affiliation occurs when either two or more local unions merge to form one larger union or when a small local union merges into a larger national or international union. In order for an affiliation to be successful, the petitioning labor organization must satisfy due process concerns by providing evidence or documentation that the employees are in favor of the affiliation. The petitioner must also demonstrate that continuity exists between the pre- and post- affiliation unions.

Due process may be satisfied through a vote of the bargaining unit's membership. *Skagit Valley Hospital*, Decision 2509-A (PECB, 1987), *aff'd*, *Skagit Valley Hospital v. Public Employment Relations Commission*, 55 Wn. App. 348 (1989). The employees in the bargaining unit or units must be provided notice of the affiliation election, given an opportunity to discuss the matter, and allowed to exercise their choice in a manner with reasonable precautions to maintain ballot secrecy. This agency will not reject a request for union affiliation where all affected employees have been provided an opportunity to vote.

The primary method for demonstrating continuity is to show that the union officers of the preaffiliation union still maintain a certain level of authority over local matters. This includes the right to elect local officers and the right of bargaining unit employees to participate in collective bargaining. A lack of continuity will exist if the organizational changes to the union have been so extensive that a certified bargaining representative has been displaced by a wholly different organization. *Skagit Valley Hospital*, Decision 2509-A. If the existing union and employer are

parties to a collective bargaining agreement, then the new parent organization must honor that agreement until its expiration. A successful affiliation vote may be overturned due to a lack of “continuity” between the pre- and post- affiliation unions. An affiliation vote may also be overturned if other, more traditional evidence exists that the successor organization lacks majority support. *Skagit Valley Hospital*, Decision 2509-A.

#### *Application of Standard*

The petition seeks to affiliate the union with the CIR. The union provided a declaration demonstrating that the bargaining unit employees were permitted an opportunity to vote on whether the employees represented by the union wanted to affiliate with the CIR. After the affiliation, the scope of the bargaining unit remains unchanged, the leadership structure in existence at the association remains intact, and any negotiated agreements remain in effect. Because it readily appears that the due process and continuity requirements have been satisfied, the existing certifications are amended.

#### FINDINGS OF FACT

1. The University of Washington is a public employer within the meaning of RCW 41.56.030(12).
2. The Resident & Fellow Physician Union – Northwest is a bargaining representative within the meaning of RCW 41.56.030(2).
3. The Committee of Interns and Residents is a local of the Service Employees International Union and a bargaining representative within the meaning of RCW 41.56.030(2).
4. The Resident & Fellow Physician Union – Northwest represents the following employees in the University of Washington School of Medicine: residents and fellows in ACGME-accredited programs (which, as of August 28, 2014, includes Residents, Fellows, Chief Residents, Fellow/Senior Fellow Trainee Dual Appointments, and Resident/Senior Fellow Trainees dual appointments); Otolaryngology Research Residents; Surgery Research

Residents; Urology Research Residents; Gynecologic Oncology Fellows; Adult Congenital Heart Disease Fellows; and Maternal Fetal Medicine Fellows. The bargaining unit also includes the residents in the University of Washington School of Dentistry.

5. On January 18, 2023, the Resident & Fellow Physician Union – Northwest filed a unit clarification petition seeking an affiliation involving employees described in finding of fact 4.
6. Accompanying Resident & Fellow Physician Union – Northwest’s petition was evidence demonstrating that the employees were provided an opportunity to vote on whether or not to affiliate with the Committee of Interns and Residents/Service Employees International Union, and evidence demonstrating that the employees affirmatively voted for the affiliation and merger.

#### CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to chapter 41.56 RCW.
2. Based upon findings of fact 5 and 6, the Resident & Fellow Physician Union – Northwest provided due process to employees in allowing them to vote on whether or not to affiliate with the Committee of Interns and Residents/Service Employees International Union.
3. Based upon finding of fact 6, the Resident & Fellow Physician Union – Northwest has affiliated with the Committee of Interns and Residents/Service Employees International Union.


#### ORDER

The Resident & Fellow Physician Union – Northwest is now an affiliate of the Committee of Interns and Residents/Service Employees International Union and the bargaining unit certification

shall be amended to reflect that the Resident & Fellow Physician Union – Northwest/Committee of Interns and Residents/Service Employees International Union is the exclusive bargaining representative or record.

ISSUED at Olympia, Washington, this 23rd day of February, 2023.

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 02/23/2023

DECISION 13634 - 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 136151-C-23

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