

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

FORT VANCOUVER REGIONAL  
LIBRARIES

and

WASHINGTON STATE COUNCIL OF  
COUNTY AND CITY EMPLOYEES

For clarification of an existing bargaining unit.

CASE 135156-C-22

DECISION 13728 - PECB

ORDER CLARIFYING  
BARGAINING UNIT

On June 10, 2022, the Washington State Council of County and City Employees (WSCCCE) filed a unit clarification petition seeking to add nine classifications at Fort Vancouver Regional Libraries (employer) to its existing professional employees bargaining unit. The petitioned-for classifications included the Outreach and Programming Coordinator for Youth, Outreach and Programming Coordinator for Adults, Finance Coordinator, Library Systems Manager, Reference Services Coordinator, Branch Manager 1, Branch Manager 2, Branch Manager 3, and IT Manager. The WSCCCE asserted the existing bargaining unit was the only appropriate unit for these classifications. But the employer contended that four of them—the Branch Manager 1, Branch Manager 2, Branch Manager 3, and IT Manager—should be excluded from the bargaining unit as supervisors.

After further discussions with the parties, the WSCCCE amended the petition so that it only sought to include in its bargaining unit the Outreach and Programming Coordinator for Youth, Outreach and Programming Coordinator for Adults, Finance Coordinator, Library Systems Manager, and Reference Services Coordinator. The parties agreed that the IT Manager and Branch Managers 1, 2, and 3 should be excluded because they are supervisors under WAC 391-35-340. The parties submitted stipulated facts based on the amended petition.

The stipulated facts show that the petitioned-for employees must be accreted into the WSCCCE's bargaining unit. Not only do the petitioned-for employees share a community of interest with the WSCCCE's existing bargaining unit, they also could not stand on their own in a separate bargaining unit or be placed in any other bargaining unit. The stipulated facts also show that the IT Manager and Branch Managers 1, 2, and 3 would be appropriately excluded as supervisors.

### BACKGROUND

The employer serves residents of southwest Washington in rural, suburban, and urban settings in Clark, Cowlitz, Klickitat, and Skamania Counties. The employer operates thirteen fully staffed locations, two partially staffed/self-serve libraries, and two bookmobiles. It also provides books-by-mail services to those living far from established library locations. In addition, the employer offers a variety of programs for the public. The employer has approximately 360 employees, 88 of which are professional-level employees in a bargaining unit represented by the WSCCCE.<sup>1</sup> The work assigned to this bargaining unit varies, but it is a horizontal unit of employees performing a continuum of professional services for the employer. The Washington Public Employees Association (WPEA) represents another bargaining unit of office, clerical, and nonprofessional employees, and the remaining employees are unrepresented.

### Petitioned-For Employees

The parties stipulated to include the Outreach and Programming Coordinator for Youth, Outreach and Programming Coordinator for Adults, Finance Coordinator, Library Systems Manager, and Reference Services Coordinator in the WSCCCE's existing bargaining unit.

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<sup>1</sup> The WSCCCE's bargaining unit is currently described as follows: "All full-time and regular part-time professional employees including professional librarians and first-level supervisors, excluding employees exercising supervisory authority over employees included in this bargaining unit, confidential employees, office, clerical and nonprofessional employees and any other employees in other bargaining units." *Fort Vancouver Regional Library*, Decision 11516 (PECB, 2012).

The employees in these classifications all perform specialized duties similar to those of the employees in the WSCCCE's existing bargaining unit. All five petitioned-for employees work at the Operations Center. Occasionally, though, the Outreach and Programming Coordinator for Youth and Outreach and Programming Coordinator for Adults perform some work at community or branch locations. The two outreach and programming coordinators are part of the same work group as other petitioned-for employees as well as some of the employees in the WSCCCE's bargaining unit.

At a minimum, the Outreach and Programming Coordinator for Youth, Outreach and Programming Coordinator for Adults, Library Systems Manager, and Reference Services Coordinator must possess a master's degree in library and information science from an American Library Association-accredited program and have the ability to obtain a Washington State Librarian certification upon hire. The Finance Coordinator must hold a bachelor's degree in accounting, finance, or a related field.

The employees in all five classifications are first-level supervisors or lead employees and report to the division director or highest-level manager in their respective work unit or division. Each of them works in a unit that includes WSCCCE bargaining unit employees. They also work different shifts and take days off based on the needs of the work team, like other WSCCCE bargaining unit employees. The collective bargaining agreement allows for lateral movement within the same job classification based on seniority. There is a common seniority list for the whole WSCCCE bargaining unit.

The Outreach and Programming Coordinator for Youth and the Outreach and Programming Coordinator for Adults are responsible for the management, planning, implementation, coordination, and maintenance of the employer's district-wide outreach, partnership, and programming efforts with an emphasis on youth or adults, respectively, and the community partners that support them. Both outreach and programming coordinators apply specialized expertise in innovative ways to develop, coordinate, and provide outreach library services to enhance the employer's impact with youth or adults both in branches and in non-library settings. They collaborate with other staff, including those in the WSCCCE bargaining unit, to ensure the

public programs offered throughout the district are of high quality, meet the needs of local communities, are good uses of public resources, and further the vision and goals of the employer.

The Finance Coordinator manages, plans, coordinates, and implements the employer's financial programs, services, and policies. The Finance Coordinator also manages the district grants program and is responsible for providing oversight to include documentation of source documentation and reconciliation to project and general ledgers. As a member of the finance team, the Finance Coordinator works with the Accounting Specialist, who is currently included in the WSCCCE's bargaining unit.

The Library Systems Manager leads and directs the operations and activities of the Library Systems Department. This work includes managing various library system software applications as they pertain to interfacing with the employer's databases and website. Among the Library Systems Manager's other duties are the strategic development and maintenance of the systems, resources, and related services and activities as well as the development and implementation of department policies, plans, and procedures. Additionally, the employee in this position participates in systems-wide planning, evaluates community needs and trends, and manages and maintains vendor relations. The Library Systems Manager is also a first-level supervisor or lead employee for professional-level staff in the WSCCCE's bargaining unit.

The Reference Services Coordinator manages, plans, coordinates, and implements district-wide reference services, supporting these services at all locations and electronically. In addition to collaborating with other staff to assess the needs for, provide, and coordinate district-wide reference services and related training for staff and the public, the employee in this classification is tasked with establishing basic district standards of quality in reference services for library patrons. The Reference Services Coordinator also applies specialized library services knowledge and expertise in creative and innovative ways to develop programs and services within the area of reference services.

Branch Managers and IT Manager

As mentioned above, the petition originally sought to also include the IT Manager and Branch Manager 1, 2, and 3 classifications. Eventually, the parties agreed that those positions should be excluded because they are supervisors under WAC 391-35-340.

All Branch Managers report to the Deputy Director of Library Operations and Strategic Initiative. They are responsible for the operation of stand-alone branches throughout the library district, and this work includes leading and managing staff. The managers' level of classification (1, 2, or 3) is dependent on the size of the building and number of direct reports and service outlets they oversee, and they may be responsible for multiple branches or service outlets. These managers supervise employees in both the WSCCCE's and WPEA's bargaining units.

The IT Manager reports to the Division Director of the Collection and Technology Services Division. The employee in this classification oversees an IT Supervisor who in turn supervises four IT Specialists and three IT Senior Assistants.

The Branch Managers and IT Manager are all responsible for hiring the employees in the classifications they supervise and that are included in the WSCCCE's bargaining unit. After meeting with Human Resources to initiate and plan the recruitment process, the managers determine who to include on the interview panel, review screened applications and select applicants to interview, assist in creating the interview questions, lead the initial and final interviews, and conduct employment reference checks. The managers make the final hiring decisions, which must then be (and have historically been) approved by the Executive Director. Once the decision is approved, the manager makes the official offer of employment and refers the successful candidate to Human Resources to discuss wages, if necessary. Wages are determined by the collective bargaining agreement, so any appointment above the minimum pay grade must be negotiated between the Human Resources Director and the WSCCCE.

The managers may take independent disciplinary action up to a letter of reprimand, which does not require approval from the Executive Director or Human Resources. Formal discipline involving suspension without pay or termination is completed by the Executive Director. The

manager participates in the investigatory process and makes a recommendation to the Executive Director on the level of discipline. As long as the recommendation is supported by the facts in the investigation, the manager's recommendation regarding the level of discipline will be upheld.

The managers complete semiannual and annual evaluations for employees in the WSCCCE's bargaining unit, and they have discretion to place employees on performance improvement plans without approval from their supervisor or Human Resources. The managers determine whether an employee should receive a benchmark pay increase as part of the evaluation process. If a manager places an employee on a performance improvement plan, the employee will not receive a benchmark pay increase.

The Branch Managers create draft branch budgets and administer the final, approved budgets. They oversee expenditures during the calendar year. They also monitor the substitute budget, make decisions regarding expenditures, and oversee and manage the operations of stand-alone branch buildings and all their operations without input or approval from the Deputy Director.

The IT Manager creates and administers the information technology budget, which is significantly larger and more complex than the branch budgets.

## ANALYSIS

### Applicable Legal Standard

#### *Determination of Appropriate Bargaining Unit*

The determination of appropriate bargaining units is a function delegated to this agency by the legislature. RCW 41.56.060. *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 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).

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).

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, with 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).

#### *Accretion*

An accretion may be ordered when changed circumstances lead to the existence of positions that logically belong only in one existing bargaining unit. *City of Auburn*, Decision 4880-A (PECB, 1995). 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 in 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.

### *Supervisory Status*

Generally, supervisors are not included in the same bargaining units as the employees they supervise. WAC 391-35-340. 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. *Id.*

Chapter 41.56 RCW does not define the term “supervisor.” Initially, the Commission defined supervisory status based upon a set of duties, skills, and working conditions distinct from those of the employees in the rank-and-file bargaining unit, which often presented a conflict of interest with the employees in the rank-and-file bargaining unit. *International Association of Fire Fighters, Local 1052 v. Public Employment Relations Commission*, 29 Wn. App. 599, *rev. denied*, 96 Wn.2d 1004; *White Pass School District*, Decision 573-A (PECB, 1979); *Washington Public Power Supply System*, Decision 2065 (PECB, 1984); *City of Bothell*, Decision 2724 (PECB, 1987).

The Commission also looked to the definition of supervisor in both section 2(11) of the National Labor Relations Act (NLRA) and in the Educational Employment Relations Act (EERA), chapter 41.59 RCW, to specify supervisory criteria. *City of Mercer Island*, Decision 1026-A (PECB, 1981); *Snohomish Health District*, Decision 4735-A (PECB, 1995). In *City of Mercer Island*, Decision 1026-A, the Commission cited section 2(11) of the NLRA and stated, “Supervisors have management roles entailing duties such as hiring, firing, assignment, transfer, layoff, recall of subordinate employees and the processing of their grievances.” In *Snohomish Health District*, Decision 4735-A, the Commission stated that it has looked to the definition of supervisor in RCW 41.59.020(4)(d) for the types of authority that would create potential conflicts of interest if supervisors were placed in a rank-and-file bargaining unit.

The Commission elected to use the test under the EERA because the test under the NLRA is disjunctive. *Id.* (citing *National Labor Relations Board v. Health Care & Retirement Corporation of America*, 511 U.S. 571 (1994)). While the definition in the EERA is generally modeled after the NLRA, it provides that only those employees performing a preponderance of the specified acts are



considered supervisors. RCW 41.59.020(4)(d); *Snohomish Health District*, Decision 4735-A. The Commission determined that the preponderance test found in RCW 41.59.020(4)(d) was closer to Commission precedent. *Snohomish Health District*, Decision 4735-A.

Therefore, 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).

This agency places emphasis on whether an employee in a disputed position has independent authority to act in the interest of the employer and make meaningful changes in the employment relationship. *City of Lakewood*, Decision 12453 (PECB, 2015); *State – Office of Administrative Hearings*, Decision 11503 (PSRA, 2012). If an employee merely executes the instructions of a higher-ranking employee when making meaningful changes to the workplace, that employee has not exercised independent judgment. *City of Lakewood*, Decision 12453; *State – Office of Administrative Hearings*, Decision 11503 (citing *City of Lynnwood*, Decision 8080-A (PECB, 2005), *aff’d*, Decision 8080-B (PECB, 2006)).

The distinguishing characteristic is whether the authority rises to the level of conflict expressed in the statute and that would require separating the employee from the bargaining unit. *Rosalia School District*, Decision 11523 (PECB, 2012). In determining supervisory status, this agency considers the extent of authority of first-line supervisors to hire, terminate, or suspend employees without pay, or to effectively recommend such actions, as being the paramount criteria. *Okanogan County*, Decision 6142-A (PECB, 1998). An employee’s 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 if that individual does not have authority to hire, terminate, or suspend employees without pay, or to effectively recommend such actions. *Id.*

This agency 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 directing 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).

The evolution of the agency’s standard shows that not all employees who perform lower-level supervisory type duties would present a conflict of interest if they were in the same bargaining unit as the individuals they oversee. It is not simply the individuals who would be excluded under the test in section 2(11) of the NLRA that must be separated from the rank-and-file bargaining unit. Rather, it is an even higher level of employee who meets the preponderance of supervisory indicia that is *required* to be separated from the rank-and-file bargaining unit. *Rosalia School District*, Decision 11523.

A determination that an employee does not meet the definition of supervisor under WAC 391-35-340 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.

#### Application of Standard

The petitioned-for employees should be accreted into the WSCCCE’s bargaining unit because they share similar duties, skills, and working conditions with the employees in the horizontal unit of professional employees throughout the employer’s organization. Additionally, as part of the same work groups, the petitioned-for employees work side by side and collaborate with bargaining unit employees.

Like other employees in the WSCCCE's bargaining unit, the petitioned-for employees must hold a master's or bachelor's degree. All five classifications are lead employees and report to the division director or highest-level manager in their respective work unit or division. They manage, plan, implement, coordinate, and maintain their individual programs, similar to employees in the bargaining unit. The WSCCCE's existing bargaining unit is the only appropriate unit for the coordinator and systems manager classifications.

Excluding the IT Manager and Branch Managers from the bargaining unit is appropriate because they are supervisory employees under WAC 391-35-340. The employees in those positions have the independent authority to act in the interest of the employer and make meaningful changes to the employment relationship. The managers' authority includes directing the work of their subordinates, taking independent disciplinary action up to a letter of reprimand, and effectively recommending formal discipline of a suspension without pay or termination. They complete semiannual and annual evaluations of employees in the WSCCCE's bargaining unit and may place an employee on a performance improvement plan, which impacts whether the employee will receive a benchmark pay increase.

The Branch Managers and IT Managers are also responsible for the creation and administration of their respective budgets, and they may make budgetary expenditure decisions without approval from the Deputy Director.

The evidence demonstrates that—while not technically the hiring authority—the Branch Managers and IT Manager effectively hire, and they were involved in the recruitment of individuals currently in the WSCCCE's bargaining unit. The Branch Managers and IT Manager led the hiring processes, ultimately selecting and providing the successful candidate with the official offer of employment.

These managers' roles with respect to hiring is greater than in other cases where employees in the disputed classifications participated in the hiring process with supervisors or the hiring authority but only gave input to the hiring authority or were part of a consensus recommendation. *See, e.g., Grant Transit Authority*, Decision 13014-A (PECB, 2020); *Thurston County*, Decision 12727 (PECB, 2017); *Eastern Washington University*, Decision 12763 (PECB, 2017); *City of Kirkland*,

Decision 12196 (PECB, 2014). In this instance, the hiring authority possessed by the Branch Managers and IT Manager, combined with their authority to direct work, impact employee wage increases, issue written reprimands, and evaluate employees, is sufficient to classify these managers as supervisors under WAC 391-35-340.

#### FINDINGS OF FACT

1. Fort Vancouver Regional Libraries (employer) is a public employer within the meaning of RCW 41.56.030(13).
2. The Washington State Council of County and City Employees (WSCCCE) is a bargaining representative within the meaning of RCW 41.56.030(2).
3. The WSCCCE represents a bargaining unit currently described as follows: “All full-time and regular part-time professional employees including professional librarians and first-level supervisors, excluding employees exercising supervisory authority over employees included in this bargaining unit, confidential employees, office, clerical and nonprofessional employees and any other employees in other bargaining units.” *Fort Vancouver Regional Library*, Decision 11516 (PECB, 2012).
4. The employer serves residents of southwest Washington in rural, suburban, and urban settings in Clark, Cowlitz, Klickitat, and Skamania Counties. The employer operates thirteen fully staffed locations, two partially staffed/self-serve libraries, and two bookmobiles. It also provides books-by-mail services to those living far from established library locations. In addition, the employer offers a variety of programs for the public. The employer has approximately 360 employees, 88 of which are professional-level employees in a bargaining unit represented by the WSCCCE. The work assigned to this bargaining unit varies, but it is a horizontal unit of employees performing a continuum of professional services for the employer. The Washington Public Employees Association (WPEA) represents another bargaining unit of office, clerical, and nonprofessional employees, and the remaining employees are unrepresented.

5. The parties stipulated to include the Outreach and Programming Coordinator for Youth, Outreach and Programming Coordinator for Adults, Finance Coordinator, Library Systems Manager, and Reference Services Coordinator in the WSCCCE's existing bargaining unit. The employees in these classifications all perform specialized duties similar to those of the employees in the WSCCCE's existing bargaining unit. All five petitioned-for employees work at the Operations Center. Occasionally, though, the Outreach and Programming Coordinator for Youth and Outreach and Programming Coordinator for Adults perform some work at community or branch locations. The two outreach and programming coordinators are part of the same work group as other petitioned-for employees as well as some of the employees in the WSCCCE's bargaining unit.
6. At a minimum, the Outreach and Programming Coordinator for Youth, Outreach and Programming Coordinator for Adults, Library Systems Manager, and Reference Services Coordinator must possess a master's degree in library and information science from an American Library Association-accredited program and have the ability to obtain a Washington State Librarian certification upon hire. The Finance Coordinator must hold a bachelor's degree in accounting, finance, or a related field.
7. The employees in all five classifications are lead employees and report to the division director or highest-level manager in their respective work unit or division. Each of them works in a unit that includes WSCCCE bargaining unit employees. They also work different shifts and take days off based on the needs of the work team, like other WSCCCE bargaining unit employees. The collective bargaining agreement allows for lateral movement within the same job classification based on seniority. There is a common seniority list for the whole WSCCCE bargaining unit.
8. The Outreach and Programming Coordinator for Youth and the Outreach and Programming Coordinator for Adults are responsible for the management, planning, implementation, coordination, and maintenance of the employer's district-wide outreach, partnership, and programming efforts with an emphasis on youth or adults, respectively, and the community partners that support them. Both outreach and programming coordinators apply specialized

expertise in innovative ways to develop, coordinate, and provide outreach library services to enhance the employer's impact with youth or adults both in branches and in non-library settings. They collaborate with other staff, including those in the WSCCCE bargaining unit, to ensure the public programs offered throughout the district are of high quality, meet the needs of local communities, are good uses of public resources, and further the vision and goals of the employer.

9. The Finance Coordinator manages, plans, coordinates, and implements the employer's financial programs, services, and policies. The Finance Coordinator also manages the district grants program and is responsible for providing oversight to include documentation of source documentation and reconciliation to project and general ledgers. As a member of the finance team, the Finance Coordinator works with the Accounting Specialist, who is currently included in the WSCCCE's bargaining unit.
10. The Library Systems Manager leads and directs the operations and activities of the Library Systems Department. This work includes managing various library system software applications as they pertain to interfacing with the employer's databases and website. Among the Library Systems Manager's other duties are the strategic development and maintenance of the systems, resources, and related services and activities as well as the development and implementation of department policies, plans, and procedures. Additionally, the employee in this position participates in systems-wide planning, evaluates community needs and trends, and manages and maintains vendor relations. The Library Systems Manager is also a first-level supervisor or lead employee for professional-level staff in the WSCCCE's bargaining unit.
11. The Reference Services Coordinator manages, plans, coordinates, and implements district-wide reference services, supporting these services at all locations and electronically. In addition to collaborating with other staff to assess the needs for, provide, and coordinate district-wide reference services and related training for staff and the public, the employee in this classification is tasked with establishing basic district standards of quality in reference services for library patrons. The Reference Services Coordinator also

applies specialized library services knowledge and expertise in creative and innovative ways to develop programs and services within the area of reference services.

12. The parties agreed that the IT Manager and Branch Manager 1, 2, and 3 classifications should be excluded because they are supervisors under WAC 391-35-340.
13. All Branch Managers report to the Deputy Director of Library Operations and Strategic Initiative. They are responsible for the operation of stand-alone branches throughout the library district, and this work includes leading and managing staff. The managers' level of classification (1, 2, or 3) is dependent on the size of the building and number of direct reports and service outlets they oversee, and they may be responsible for multiple branches or service outlets. These managers supervise employees in both the WSCCCE's and WPEA's bargaining units.
14. The IT Manager reports to the Division Director of the Collection and Technology Services Division. The employee in this classification oversees an IT Supervisor who in turn supervises four IT Specialists and three IT Senior Assistants.
15. The Branch Managers and IT Manager are all responsible for hiring the employees in the classifications they supervise and that are included in the WSCCCE's bargaining unit. After meeting with Human Resources to initiate and plan the recruitment process, the managers determine who to include on the interview panel, review screened applications and select applicants to interview, assist in creating the interview questions, lead the initial and final interviews, and conduct employment reference checks. The managers make the final hiring decisions, which must then be (and have historically been) approved by the Executive Director. Once the decision is approved, the manager makes the official offer of employment and refers the successful candidate to Human Resources to discuss wages, if necessary. Wages are determined by the collective bargaining agreement, so any appointment above the minimum pay grade must be negotiated between the Human Resources Director and the WSCCCE.

16. The managers may take independent disciplinary action up to a letter of reprimand, which does not require approval from the Executive Director or Human Resources. Formal discipline involving suspension without pay or termination is completed by the Executive Director. The manager participates in the investigatory process and makes a recommendation to the Executive Director on the level of discipline. As long as the recommendation is supported by the facts in the investigation, the manager's recommendation regarding the level of discipline will be upheld.
17. The managers complete semiannual and annual evaluations for employees in the WSCCCE's bargaining unit, and they have discretion to place employees on performance improvement plans without approval from their supervisor or Human Resources. The managers determine whether an employee should receive a benchmark pay increase as part of the evaluation process. If a manager places an employee on a performance improvement plan, the employee will not receive a benchmark pay increase.
18. The Branch Managers create draft branch budgets and administer the final, approved budgets. They oversee expenditures during the calendar year. They also monitor the substitute budget, make decisions regarding expenditures, and oversee and manage the operations of stand-alone branch buildings and all their operations without input or approval from the Deputy Director. The IT Manager creates and administers the information technology budget, which is significantly larger and more complex than the branch budgets.

#### CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter under chapter 41.56 RCW and chapter 391-35 WAC.
2. As described in findings of fact 3 through 11, the Outreach and Programming Coordinator for Youth, Outreach and Programming Coordinator for Adults, Finance Coordinator, Library Systems Manager, and Reference Services Coordinator classifications must be accreted into the WSCCCE's existing bargaining unit.



3. As described in findings of fact 3 and 12 through 18, the employees in the Branch Manager 1, Branch Manager 2, Branch Manager 3, and IT Manager classifications are supervisors under WAC 391-35-340 and are appropriately excluded from the bargaining unit.

ORDER

The bargaining unit described in finding of fact 3 is clarified to include the Outreach and Programming Coordinator for Youth, Outreach and Programming Coordinator for Adults, Finance Coordinator, Library Systems Manager, and Reference Services Coordinator. The bargaining unit description is also clarified to exclude the Branch Manager 1, Branch Manager 2, Branch Manager 3, and IT Manager. The bargaining unit description is now as follows:

All full-time and regular part-time professional employees including professional librarians and first-level supervisors at Fort Vancouver Regional Libraries; excluding employees exercising statutory supervisory authority over employees included in this bargaining unit, confidential employees, office, clerical and nonprofessional employees, and any other employees in other bargaining units.

ISSUED at Olympia, Washington, this 13th day of October, 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 10/13/2023

DECISION 13728 - PECB has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

  
BY: VANESSA SMITH

CASE 135156-C-22

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