

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

WASHINGTON STATE DEPARTMENT OF
ENTERPRISE SERVICES

For clarification of an existing bargaining unit
represented by:

WASHINGTON FEDERATION OF STATE
EMPLOYEES

CASE 137498-C-23

DECISION 13773 - PSRA

ORDER CLARIFYING BARGAINING
UNIT

Scott Clifthorne, Negotiator, for Teamsters Local 117.

Herb Harris, Manager of PERC Activities, for Washington Federation of Enterprise Services.

Hannah Hollander, Labor Negotiator, Washington State Office of Financial Management, for Washington State Department of Enterprise Services.

On September 5, 2023, the Washington State Department of Enterprise Services (employer) filed a unit clarification petition concerning bargaining units represented by the Washington State Federation of State Employees (WFSE) and Teamsters Local 117 (Teamsters). The WFSE represents a Production Services Section bargaining unit that performs digital print continuous work. *State – Enterprise Services (Business Resources)*, Decision 11656 (PSRA, 2013). The Teamsters represents a Litho bargaining unit that performs digital print cut-sheet work. *State – Enterprise Services*, Decision 11341 (PSRA, 2012). Because the digital print continuous work and digital print cut-sheet work used different kinds of equipment, the parties were able to define each union's work jurisdiction based upon the equipment needed to perform the particular job.

The employer recently installed new printing equipment that performs both digital print continuous work and digital print cut-sheet work. Based upon the capabilities of the new printer, there no longer is a clear delineation between the Teamsters' Litho bargaining unit work and the WFSE's

Production Services Section bargaining unit work. On May 2, 2023, the employer reached out to both unions to inform them that it believed the employees in both bargaining units needed to be combined. The employer offered the employee organizations the opportunity to bargain the impacts of its decision to install the new equipment. The parties ultimately agreed that the Teamsters' Printing and Imaging Litho bargaining unit should absorb the at-issue work and the eight WFSE represented position would be moved to the Teamsters' bargaining unit.

The request for clarification is granted. The employer's decision to purchase and install new printing equipment that eliminated the delineation between the Teamsters' digital print cut-sheet work and WFSE's digital print continuous work is a change of circumstances that altered the community of interest for the at-issue employees. Work jurisdiction issues would be created if the current bargaining unit configurations remained in place. To rectify these issues, the WFSE represented positions shall be added to the Teamsters bargaining unit and WFSE's bargaining unit shall be dissolved.

BACKGROUND

The employer's Business Resources Division is comprised of five different sections: Fleet Operations or Motor Pool, Consolidated Mail Services, Printing and Imaging, Materials Management, and Production Services. Production Services Manager Carrie Imbao oversees the Productions Services Production Services section. The WFSE represents a bargaining unit of eight employees in the Digital Printing Specialist job class that work in the Production Services Section of the Business Resources Division that performs digital print continuous work. *State – Enterprise Services (Business Resources)*, Decision 11656.

Mail & Print Operations Manager Damien Bernard oversees the Printing & Imaging section. A Productions Services work group is included in the Printing & Imaging section that is a separate entity from the Production Services Section. Imbao oversees the Production Services work group. The Teamsters represents a Litho bargaining unit of 23 employees that work in the Production Services workgroup that performs digital print cut-sheet work. *State – Enterprise Services*, Decision 11341 (PSRA, 2012). Although Imbao oversaw both the Production Services Section

and Production Services workgroup, no work jurisdiction issues were created because the parties were able to define each employee organization's work jurisdiction based upon the equipment needed to perform a particular job.

On May 2, 2023, the employer informed the employee organizations that it had recently purchased new printing equipment that eliminated the clear delineation between the Teamsters' digital print cut-sheet work and WFSE's digital print continuous work. The employees using the new printers were collectively trained to use the new machines and the employees' position descriptions were modified to reflect the new duties. The employer also proposed reallocating the WFSE represented Digital Printing Specialists to the Digital Color Press Operator job class that is utilized by the Teamsters represented positions. Based upon these changes, the employer believed the employees needed to be in the same bargaining unit to avoid work jurisdiction issues. The parties ultimately agreed that the Teamsters' Printing and Imaging Litho bargaining unit should absorb the at-issue work and the eight WFSE represented positions would be moved to the Teamsters' bargaining unit.

ANALYSIS

Applicable Legal Standard

The determination of appropriate bargaining units is a function delegated to this agency by the legislature. RCW 41.80.070; *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).

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 clarifications 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).

A unit clarification petition that seeks to add employees to an existing bargaining unit requires a recent meaningful change in circumstances that alters the community of interest such that clarification is necessary. WAC 391-35-020; *University of Washington*, Decision 10496-A (PSRA, 2011) (citing *City of Richland*, Decision 279-A). Among the types of changes that can alter the existing community of interest and necessitate clarification are meaningful changes to job duties, reorganization of the workforce, or other significant changes to the workplace environment. *See Lewis County (Teamsters Local 252)*, Decision 6750 (PECB, 1999). 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.

Determining if recent changes are meaningful rests upon whether the bargaining unit is appropriate absent the clarification. In determining if any existing bargaining unit remains appropriate in a unit clarification proceeding, the agency applies the same statutory unit determination criteria as RCW 41.56.060(1), which is used to establish the unit's initial appropriateness.

When a unit clarification petition proposes to add or accrete positions into the bargaining unit, it seeks to do so without a vote of the employees in the at-issue positions. An accretion may be ordered when changed circumstances lead to the existence of positions that logically belong in only one existing bargaining unit. *City of Auburn*, Decision 4880-A (PECB, 1995). An accretion is not appropriate if the positions could stand on their own in a separate bargaining unit or could appropriately be placed in any other bargaining unit. *Id.* For an accretion to be directed, the resulting unit must be appropriate. *Pierce County*, Decision 6051-A (PECB, 1998). 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).

Application of Standards

The employer's decision to purchase and install new printing equipment is a change of circumstances that altered the community of interest for the at-issue employees. The new printing equipment eliminated the delineation between the Teamsters' digital print cut-sheet work and WFSE's digital print continuous work. In addition to using the same equipment, the employees perform the same duties, share the same lines of supervision, and are now in the same Digital Color Press Operator job class. The two groups of printing employees no longer have separate communities of interest. Maintaining separate bargaining units creates work jurisdiction issues and improperly fragments the employer's workforce. Thus, the WFSE bargaining unit is no longer an appropriate bargaining unit. The WFSE represented positions shall be accreted into the Teamsters' Litho bargaining unit.

FINDINGS OF FACT

1. The Washington State Department of Enterprise Services is an employer within the meaning of RCW 41.80.005(8).
2. Teamster Local 117 is an employee organization within the meaning of RCW 41.80.005(7).
3. The Washington Federation of State Employees is an employee organization within the meaning of RCW 41.80.005(7).
4. The Teamsters represents a Litho bargaining unit of 23 employees that work in the Production Services workgroup that performs digital print cut-sheet work.
5. The WFSE represents a bargaining unit of eight employees in the Digital Printing Specialist job class that work in the Production Services Section of the Business Resources Division that perform digital print continuous work.

6. The employer, Teamsters, and WFSE were able to define each employee organization's work jurisdiction based upon the equipment needed to perform a particular job.
7. On May 2, 2023, the employer informed the employee organizations that it had recently purchased new printing equipment that eliminated the clear delineation between the Teamsters' digital print cut-sheet work and WFSE's digital print continuous work. The employees using the new printers were collectively trained to use the new machines and the employees' position descriptions were modified to reflect the new duties.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to chapter 41.80 RCW and chapter 391-35 WAC.
2. Based upon findings of fact 4 through 7, the employees in finding of fact 5 share a community of interest with the employees in finding of fact 4.

ORDER

The employees represented by the Washington Federation of State Employees described in finding of fact 5 shall be added to the Teamsters Local 117 represented bargaining unit described in finding of fact 4 without the need of an election and the bargaining unit in finding of fact 5 shall cease to exist.

ISSUED at Olympia, Washington, this 4th day of January, 2024.

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

ISSUED ON 01/04/2024

DECISION 13773 - PSRA has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

BY: DEBBIE BATES

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