

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

PUBLIC SCHOOL EMPLOYEES OF
WASHINGTON

For clarification of an existing bargaining unit
of employees of:

MEAD SCHOOL DISTRICT

CASE 137648-C-23

DECISION 13780 - PECB

ORDER CLARIFYING BARGAINING
UNIT

DesiRae Jones, Field Representative/Admin Organizer, for the Public School
Employees of Washington.

Keri Hutchins, Director Human Resources, for the Mead School District.

On September 20, 2023, Public School Employees of Washington (union) filed a unit clarification petition seeking to merge two existing bargaining units that it represents at the Mead School District (employer). The union represents a Support and Service Specialist bargaining unit comprised of Nutrition Services, Paraeducators, Education Support Specialists, and Classified Nurses. *Mead School District*, Decision 13174 (PECB, 2020). The second bargaining unit is an Office Personnel bargaining unit that includes employees in the general Administrative Assistant job class, as well as Transportation Router and Transportation Dispatcher job classes. *See Mead School District*, Decision 7281 (PECB, 2001). The union provided notice indicating that the memberships of both bargaining units voted in favor of merging. Additionally, the employer has indicated that it supports the union's request to merge the bargaining units. Because the parties have agreed to merge the bargaining units and the resulting bargaining unit is appropriate under RCW 41.56.060, the proposed merger is granted.

ANALYSIS

Applicable Legal Standards

The authority to determine and certify appropriate bargaining units is a function of the legislature delegated to this Commission. RCW 41.80.070; *Central Washington University*, Decision 10215-B (PSRA, 2010). Included with this authority is the power to, upon request, modify a bargaining unit through a unit clarification proceeding. See *Pierce County*, Decision 7018-A (PECB, 2001).

Although this agency has the authority to determine and modify bargaining units, an employer may extend voluntary recognition under chapter 41.56 RCW to representatives of groups of employees for the purposes of collective bargaining. *Toppenish School District*, Decision 10394-B (PECB, 2011). An employer and union are required to submit representation matters to this agency only if there is a dispute regarding representation. RCW 41.56.050; *Toppenish School District*, Decision 10394-B. If such recognition is extended, the employer is then obligated to bargain with the union. *City of Kennewick*, Decision 482-B (PECB, 1980).

Merger of Bargaining Units

Prior to 2011, a bargaining representative who wanted to merge two or more bargaining units of employees that it represented in an employer's workforce was required to file a unit merger petition under WAC 391-25-420. This agency would first determine if the resulting bargaining unit would be appropriate under RCW 41.56.060. If the resulting bargaining unit was appropriate, then a representation election would be conducted to determine if the employees in both bargaining units desired the merger. WAC 391-25-420(2)(d)(ii). If either bargaining unit rejected the merger, then the petition would be dismissed. WAC 391-25-420(2)(d)(i).

In 2011, the legislature amended RCW 41.56.050 to allow an employer and union to agree to merge two or more bargaining units without the need for a representation election. RCW 41.56.050(2). Thus, if the parties are in agreement about the merger, they are not required to submit the matter to this agency. If there is a disagreement between the parties about the

proposed merger, the parties could then submit the matter to this agency, the WAC 391-25-420 merger rule would apply, and this agency would conduct an election.

Although RCW 41.56.050(2) only requires parties to submit merger disputes to this agency if there is disagreement, parties may nevertheless seek a determination from this agency as to whether the merger of two existing bargaining units would result in an appropriate bargaining unit under RCW 41.56.060. If the resulting bargaining unit is appropriate on its face, then a certification may be issued for the newly merged bargaining unit.¹ This will provide the parties with an assurance that the bargaining unit conforms to the RCW 41.56.060 statutory requirements.

This process is consistent with a similar process that exists for state civil service employees who collectively bargain under chapter 41.80 RCW. RCW 41.80.070(3) states that a union representing two or more bargaining units of state civil service employees may petition this agency to merge those bargaining units. The only question that this agency asks is whether the resulting bargaining unit is appropriate under the unit determination standards and, if so, then a certification will be issued.

Application of Standards

In this case, the parties agreed that the existing bargaining units can be merged to form a single bargaining unit of employees. The union also demonstrated that the employees in both bargaining units are in favor of the merger. Thus, the parties are not in dispute about the merger.

The only question is whether the resulting bargaining unit is appropriate. Each of the union's bargaining units include employees in general and specific job classes that are listed in the recognition agreements and salary schedules of the collective bargaining agreements, including Administrative Assistants, Transportation Router, Transportation Dispatcher Nutrition Services, Paraeducators, Education Support Specialists, and Classified Nurses. A merged bargaining unit

¹ Because the merger has been achieved without a representation election, a certification bar is not created through this type of merger.

consisting of the employees in the Administrative Assistants, Transportation Router, Transportation Dispatcher Nutrition Services, Paraeducators, Education Support Specialists, and Classified Nurses is an appropriate bargaining unit under the statute. The employees share common duties, skills, and working conditions. All the employees work in school buildings and are hourly employees. Nothing suggests that work jurisdiction issues would be created.

FINDINGS OF FACT

1. The Mead School District (employer) is a public employer within the meaning of RCW 41.56.030(13).
2. Public School Employees of Washington (union) is an exclusive bargaining representative within the meaning of RCW 41.56.030(2).
3. The union represents a Support and Service Specialist bargaining unit comprised of Nutrition Services, Paraeducators, Education Support Specialists, and Classified Nurses.
4. The union also represents a bargaining unit is an Office Personnel bargaining unit that includes employees in the general Administrative Assistant job class, as well as Transportation Router and Transportation Dispatcher job classes.
5. Each of the union's bargaining units include employees in general and specific job classes that are listed in the recognition agreements and salary schedules of the collective bargaining agreements, including Administrative Assistants, Transportation Router, Transportation Dispatcher Nutrition Services, Paraeducators, Education Support Specialists, and Classified Nurses.
6. The employees share common duties, skills, and working conditions. All the employees work in school buildings and are hourly employees. Nothing suggests that work jurisdiction issues would be created.

7. The union provided notice indicating that the memberships of both bargaining units voted in favor of merging. Additionally, the employer has indicated that it supports the union's request to merge the bargaining units.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction over this matter pursuant to chapter 41.56 RCW and chapter 391-35 WAC.
2. Based upon findings of fact 5 through 7, a bargaining unit consisting of the employees described in findings of fact 4 and 5 is an appropriate bargaining unit under RCW 41.56.060.

ORDER

The bargaining units consisting of the employees described in finding of fact 3 and 4 that are represented by the Public School Employees of Washington are merged to form a single bargaining unit described as follows:

All regular full-time and regular part-time classified Administrative Assistants, Transportation Router, Transportation Dispatcher Nutrition Services, Paraeducators, Education Support Specialists, and Classified Nurses working at the Mead School District, excluding supervisors, classified employees, and all other employees.

ISSUED at Olympia, Washington, this 30th 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 01/30/2024

DECISION 13780 - 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 137648-C-23

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