

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

KING COUNTY

and

WASHINGTON STATE COUNCIL OF
COUNTY AND CITY EMPLOYEES

For clarification of an existing bargaining unit.

CASE 138978-C-24

DECISION 13870 - PECB

ORDER CLARIFYING BARGAINING
UNIT

Suzette Dickerson, Senior Representative, for the Washington State Council of
County and City Employees.

James Crowe, Labor Relations Negotiator, for King County.

The Washington Council of County and City Employees (union) represents a bargaining unit of Disease Research and Intervention Specialists, Epidemiologist I's and II's, Psych Evaluation Specialists, Psych Evaluation Specialist – Seniors, Social Research Scientists, and Environmental Scientist III's working for King County Public Health. King County (employer) recently activated the Human Services Data Scientist job class to work in King County Public Health. On May 7, 2024, the parties jointly filed a unit clarification petition asking this agency to place the Human Services Data Scientist position(s) working in King County Public Health in the union's bargaining unit. The parties assert that the Human Services Data Scientist only shares a community of interest with the employees in the union's bargaining unit.

The Human Services Data Scientist only shares a community of interest with the employees in the union's bargaining unit and shall be included in the bargaining unit without the need for an election.

Applicable Legal Standard

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), *review denied*, 96 Wn.2d 1004 (1981). The goal in making bargaining 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. *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 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, a mechanism to make changes to an appropriate bargaining unit based upon a change of circumstances. *See, e.g., Toppenish School District*, Decision 1143-A (PECB, 1981). Unit clarification proceedings can be used to determine the bargaining unit placement of newly created positions. WAC 391-35-020(1)(a).

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). In order 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 as 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.

Application of Standard

The Human Services Data Scientist job class logically belongs in the union's bargaining unit because the at-issue position shares the same duties, skills, and working conditions as the other employees in the bargaining unit. Also, the position should be included in the bargaining unit to avoid work jurisdiction issues.

The Human Services Data Scientist job class in King County Public Health designs or adapts tools for the collection and evaluation of data. The position shares the data through visualization tools, reports, and presentations to a variety of stakeholders. The work is similar to and in conjunction with the Epidemiologists, but the Human Services Data Scientist has more of a computer science perspective. Together the two job classes work together to approach public health questions.

The work of the Human Services Data Scientist is intertwined with the work of the bargaining unit, particularly the Epidemiologists and could not stand apart from the bargaining unit. The Human Services Data Scientist job class is added to the union's bargaining unit without the need for an election.

FINDINGS OF FACT

1. King County is a public employer within the meaning of RCW 41.56.030(12).
2. The Washington State Council of County and City Employees is a bargaining representative within the meaning of RCW 41.56.030(2). The union represents a bargaining unit of Disease Research and Intervention Specialists, Epidemiologist I's and II's, Psych Evaluation Specialists, Psych Evaluation Specialist – Seniors, Social Research Scientists, and Environmental Scientist III's working for King County in Public Health.
3. The Human Services Data Scientist job class in King County Public Health designs or adapts tools for the collection and evaluation of data. The position shares the data through visualization tools, reports, and presentations to a variety of stakeholders. The work is similar to and in conjunction with the Epidemiologists, but the Human Services Data

Scientist has more of a computer science perspective. Together the two job classes work together to approach public health questions.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to chapter 41.56 RCW and chapter 391-35 WAC.
2. Based upon findings of fact 2 through 3, the Human Services Data Scientist in King County Public Health only shares a community of interest with the bargaining unit described in finding of fact 2.

ORDER

1. The employee in the Human Services Data Scientist job class working in King County Public Health shall be added to the bargaining unit described in finding of fact 2 without the need for an election.
2. The bargaining unit described in finding of fact 2 shall be defined as follows:

All Disease Research and Intervention Specialist, Epidemiologists I, Epidemiologist II, Psych Evaluation Specialists, Psychiatric Evaluation Specialist – Senior, Social Research Scientists, Environmental Scientists III, and Human Services Data Scientists working for King County Public Health, excluding supervisors, confidential employees, and all other employees.

ISSUED at Olympia, Washington, this 13th day of June, 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 06/13/2024

DECISION 13870 - 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 138978-C-24

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