

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

RICHLAND SCHOOL DISTRICT

and

PUBLIC SCHOOL EMPLOYEES OF
WASHINGTON

For clarification of an existing bargaining unit.

CASE 137399-C-23

DECISION 13879 - PECB

ORDER CLARIFYING BARGAINING
UNIT

Christopher Mobley, Field Representative/Administrative Organizer, for the Public School Employees of Washington.

Tim Praino, Executive Director of Human Resources, for the Richland School District.

On August 18, 2023, the Richland School District (employer) and Association of Educational Office Professionals/Public School Employees of Washington (union) jointly filed a petition to clarify the union's classified office professionals bargaining unit. When this agency originally certified the bargaining unit in 1979, the bargaining unit included all classified secretarial employees except for certain specially listed job titles. Over time, the list of excluded job titles changed and also expanded. The parties request that the existing certification be changed to reflect the positions included in the bargaining unit are office professional employees and to also update the list of agreed upon exclusions.

The parties also recently agreed that the duties of the Substitute Coordinator position had changed to such an extent that the position no longer shared a community of interest with the bargaining

unit. Finally, the parties assert that the newly created Legal Records Specialist position is not a secretarial position and therefore should be excluded from the bargaining unit.¹

The request for clarification is granted. The bargaining unit description must be updated to reflect the office professional work included in the bargaining unit and list of job titles that are excluded from the bargaining unit. The employer's decision to change the duties of the Substitute Coordinator demonstrates that the position no longer shares a community of interest with the existing bargaining unit and therefore that position should be removed from the unit. The newly created Legal Records Specialist lacks a community of interest with the other represented employees and shall also be excluded from the bargaining unit.

BACKGROUND

The union represents a bargaining unit of approximately 90 employees that provide office and clerical support to 20 schools and offices in the district. The bargaining unit is currently described as "Included: all classified employees classified as secretarial. Excluded: Secretary to the Superintendent, Secretary to the Assistant Supervisor of Personnel, Secretary to the Director of Business Services, and all other employees of the district." *Richland School District*, Decision 743 (PECB, 1979).²

Secretaries

The secretaries are responsible for routine clerical duties using computers and associated software, copier, fax machine, typewriter and 10-key calculator, processing incoming and outgoing mail, providing information for state-wide reporting, maintaining efficient records, files and retrieval

¹ The parties initially asked that the newly created Capital Projects Specialist position also be excluded from the bargaining unit. The employer no longer utilizes that position and therefore there is no need for clarification with respect to this position.

² The bargaining unit was subsequently modified in *Richland School District*, Decision 3626 (PECB, 1990) and *Richland School District*, Decision 10151 (PECB, 2008). Neither of those decisions altered the bargaining unit description.

system, including job specific software database. They also perform job specific financial transactions with use of SunGard financial software, perform accounting duties that are applicable to the position including student overloads, employee timecards, budget reconciliation, and perform receptionist duties as appropriately needed.

The general job requirements for the Secretary I position are a high school diploma or equivalent, one to two years of secretarial/clerical experience. The Secretary II position has similar requirements but also asks for accounting experience. The Lead Secretary position requires an additional three to five years of secretarial/clerical experience. Most secretaries work Monday through Friday for the 180-day school year. Some employees work a similar day schedule but work an all year (260 days) schedule. The secretaries report to school principals and other managers in the district.

When the bargaining unit was originally certified, the Secretary to the Superintendent, Secretary to the Assistant Supervisor of Personnel, Secretary to the Director of Business Services were explicitly excluded from the bargaining unit. The recognition language of the parties' collective bargaining agreement currently excludes the Executive Assistant to the Superintendent, Human Resources Executive Assistant, Human Resources Contract Specialist, Payroll Manager, Fiscal Analyst, Benefits/Payroll Specialist, and Capital Projects Specialist.

Substitute Coordinator

The Substitute Coordinator is responsible for administering the employer's substitute employee program and interviews, hires, trains, and schedules substitutes, including employees in the union's bargaining unit.³ The position requires a bachelor's degree or equivalent, three years of human resources experience, and knowledge of budgeting and budget analysis including the preparation and tracking of expenditures.

³ The Substitute Coordinator also performs similar work for the other bargaining units that the union represents.

The Substitute Coordinator reports to the Executive Director of Human Resources and works from 6:00 a.m. to 2:30 p.m., 260 days per year. Although no employees directly report to the Substitute Coordinator, the position directs the work assignment of over 200 substitute employees and the position also provides direction to bargaining unit secretaries. The Substitute Coordinator works with human resources and school administration, including bargaining unit secretaries, to meet the employer's daily substitute staffing needs.

The Substitute Coordinator had originally been classified as a Lead Secretary. Based upon the additional duties assigned to the position, the position now functions as a Human Resources Contract Specialist. The Human Resources Contract Specialists are responsible for the planning and administration of contracts for the personnel model of the district, including preparing and inputting the district's salary, budget and state reporting data, and maintaining full compliance with state and federal law, district policy, and contractual requirements. Like the Substitute Coordinator, the Human Resources Contract Specialists positions require a bachelor's degree or equivalent, three years of human resources experience, and knowledge of budgeting and budget analysis including the preparation and tracking of expenditures.

Legal Records Specialist

The Legal Records Specialist oversees, manages, and coordinates all public records requests responses for the employer. The position exercises independent judgement in managing public requests to determine where the request is covered by or exempt from the public records act. The Legal Records Specialists research, draft, and proof legal correspondence with internal and external stakeholders, and provides support to the District's General Counsel and legal processes.

The Legal Records Specialist requires an associate degree, although a bachelor's degree is preferred, and experience or knowledge of state and federal laws and regulations, including the Washington State Public Records Act. Prior experience in a legal setting, including as a Paralegal and/or Administrative Assistant, is also preferred. The position works from 8:00 a.m. to 4:30 p.m., 260 days per year. The Legal Records Specialist generally works with administration including the Superintendent, General Counsel, and the District's Board of Directors. The work performed

by the Legal Records Specialist has always been excluded from the union's secretarial bargaining unit.

ANALYSIS

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).

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 remove 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.

Application of Standard

The parties request to modify the bargaining unit description to accurately reflect the office professional job titles that are included and excluded from the bargaining unit is granted. The agency's rules provide a process for the parties to petition to amend an existing certification based upon a minor change in circumstances, such as a change of job titles or the titles of a division or work unit in the employer's work force. *See WAC 391-35-085.* The parties' request to update the bargaining unit description is consistent with Commission's rule and need for bargaining unit descriptions to accurately describe the employees in a bargaining unit.

The parties' request to remove the Substitute Coordinator from the union's bargaining unit is also granted. The employer's decision to change the duties, skills, and working conditions of the Substitute Coordinator to more closely resemble the Human Resources Contracts Specialist position demonstrate that this position no longer shares a community of interest with the union's secretarial bargaining unit. The job requirements and reporting structure for the Substitute Coordinator no longer align with secretarial bargaining. Unlike the secretaries, who require a high school diploma, the employer requires the Substitute Coordinator to have a bachelor's degree. The Substitute Coordinator also reports to the employer's Human Resources Department while the secretaries report to the building principals. The Substitute Coordinator works independently on the employer's budget and staffing requirements and ensures the employer complies with state and federal laws, district policy, and contract requirements. These differences demonstrate the Substitute Coordinator no longer shares a community of interest with the secretarial bargaining unit. This position will be specifically excluded from the union's bargaining unit.

Finally, the work performed by the Legal Records Specialist has historically been excluded from the union's bargaining unit and there is no basis in this record to add the position or work to the bargaining unit. This position will be specifically excluded from the union's bargaining unit.

FINDINGS OF FACT

1. The Richland School District is a public employer within the meaning of RCW 41.56.030(13).
2. The Public School Employees of Washington is a bargaining representative within the meaning of RCW 41.56.030(2).
3. The union represents a bargaining unit of employees that provide office and clerical support to 20 schools and offices in the district. The bargaining unit is currently described as "Included: all classified employees classified as secretarial. Excluded: Secretary to the Superintendent, Secretary to the Assistant Supervisor of Personnel, Secretary to the Director of Business Services, and all other employees of the district."
4. The union's bargaining unit includes employees in the Secretary job class who are responsible for routine clerical duties using computers and associated software, copier, fax machine, typewriter and 10-key calculator, processing incoming and outgoing mail, providing information for state-wide reporting, maintaining efficient records, files and retrieval system, including job specific software database. They also perform job specific financial transactions with use of SunGard financial software, perform accounting duties that are applicable to the position including student overloads, employee timecards, and budget reconciliation, perform receptionist duties as appropriately needed.
5. The general job requirements for the Secretary I position are a high school diploma or equivalent, one to two years of secretarial/clerical experience. The Secretary II position has similar requirements but also asks for accounting experience. The Lead Secretary position

requires an additional three to five years of secretarial/clerical experience. Most secretaries work Monday through Friday for the 180-day school year.

6. The Substitute Coordinator is responsible for administering the employer's substitute employee program and interviews, hires, trains, and schedules substitutes, including employees in the union's bargaining unit.
7. The position requires a bachelor's degree or equivalent, three years of human resources experience, and knowledge of budgeting and budget analysis including the preparation and tracking of expenditures.
8. The Substitute Coordinator reports to the Executive Director of Human Resources and works from 6:00 a.m. to 2:30 p.m., 260 days per year. Although no employees directly report to the Substitute Coordinator, the position directs the work assignment of over 200 substitute employees and the position also provides direction to bargaining unit secretaries. The Substitute Coordinator works with human resources and school administration, including bargaining unit secretaries, to meet the employer's daily substitute staffing needs.
9. The Substitute Coordinator had originally been classified as a Lead Secretary. Based upon the additional duties assigned to the position, the position now functions as a Human Resources Contract Specialist. The Human Resources Contract Specialist are responsible for the planning and administration of contracts for the personnel model of the district, including preparing and inputting the district's salary, budget and state reporting data, and maintaining full compliance with state and federal law, district policy, and contractual requirements.
10. The Legal Records Specialist oversees, manages, and coordinates all public records requests responses for the employer. The position exercises independent judgement in managing public requests to determine where the request is covered by or exempt from the public records act. The Legal Records Specialists research, draft and proof legal correspondence with internal and external stakeholders, and provides support to the

District's General Counsel and legal processes. The Legal Records Specialist generally works with administration including the Superintendent, General Counsel, and the District's Board of Directors. The work performed by the Legal Records Specialist has always been excluded from the union's secretarial bargaining unit.

11. When the bargaining unit was originally certified, the Secretary to the Superintendent, Secretary to the Assistant Supervisor of Personnel, Secretary to the Director of Business Services were explicitly excluded from the bargaining unit. The recognition language of the parties' collective bargaining agreement currently excludes the Executive Assistant to the Superintendent, Human Resources Executive Assistant, Human Resources Contract Specialist, Payroll Manager, Fiscal Analyst, Benefits/Payroll Specialist, and Capital Projects Specialist.

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 3 through 9, the Substitute Coordinator position described in findings of fact 6 through 9 does not share a community of interest with the bargaining unit described in finding of fact 3.
3. Based upon findings of fact 3 through 11, the Legal Records Specialist position described in findings of fact 10 and 11 does not share a community of interest with the bargaining unit described in finding of fact 3.

ORDER

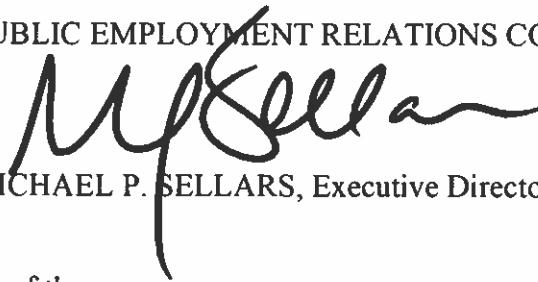
The Substitute Coordinator position described in findings of fact 6 through 9 and Legal Records Specialist position described in findings of fact 10 and 11 are excluded from the bargaining unit described in finding of fact 3.

The bargaining unit described in finding of fact 3 shall be redefined as follows:

All classified employees in the Office Professionals job classification at the Richland School District, excluding Executive Assistant to the Superintendent, Human Resources Executive Assistant, Human Resources Contract Specialist, Payroll Manager, Fiscal Analyst, Benefits/Payroll Specialist, Substitute Coordinator, Legal Records Specialist, Supervisors, confidential employees, and all other employees.

ISSUED at Olympia, Washington, this 18th day of June, 2024.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in black ink, appearing to read "M. Sellars", is written over the printed name of the Executive Director.

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 06/18/2024

DECISION 13879 - 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 137399-C-23

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