

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

ANACORTES SCHOOL DISTRICT

For clarification of an existing bargaining unit
of employees of:

ANACORTES SCHOOL DISTRICT

CASE 141443-C-24

DECISION 14055 - EDUC

CASE 141444-C-24

DECISION 14056 - PECB

ORDER AMENDING
CERTIFICATIONS

Jada Walker, Attorney at Law, for the Washington Education Association.

Justin Irish, Superintendent, for the Anacortes School District.

On October 31, 2024, the Anacortes Education Association (AEA) filed two unit clarification petitions concerning a bargaining unit of certificated employees and a bargaining unit of extracurricular employees at the Anacortes School District. This agency certified the AEA as the exclusive bargaining representative of the extracurricular bargaining unit in 1996 and that bargaining unit is currently defined as

All employees who conduct extracurricular activities and perform related assignments in the Anacortes School District for which no certification is required, excluding certificated employees, supervisors, confidential employees, casual employees and all other employees of the employer.

Anacortes School District, Decision 5777 (PECB, 1996).

According to the petition, the AEA has not functioned as the exclusive bargaining representative for the bargaining unit even though it is the certified representative. Rather, the Anacortes Co-Curricular and Coaching Association (ACCA) has effectively functioned as the exclusive bargaining representative for the extracurricular bargaining unit for several bargaining cycles. The

ACCA maintains and elects its own leadership, negotiates its own collective bargaining agreement with the employer, and collects dues from its members. The ACCA also conducts ratification vote for the collective bargaining agreement that it negotiates with the employer on behalf of bargaining unit employees. Conversely, the AEA does not negotiate on behalf of the extracurricular employees, does not have any say in the leadership of the ACCA, and does not collect dues from any member of the extracurricular bargaining unit.

The District, AEA, and ACCA are all in agreement that the certification issues in *Anacortes School District*, Decision 5777 should be amended to reflect that the ACCA is the exclusive bargaining representative of the extracurricular bargaining unit. The AEA also proposed that the certification for the certificated bargaining unit be amended to clarify that the employees in the extracurricular bargaining unit are not represented by the AEA.

ANALYSIS

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 unit determinations is to ensure there is a community of interest among the employees sufficient to enable them to bargain effectively with their employer and avoid potential work jurisdiction disputes and fragmentation. *Quincy School District*, Decision 3962-A (PECB, 1993); *King County (Amalgamated Transit Union, Local 587)*, Decision 6696 (PECB, 1999).

The statute only requires this agency's involvement in a representation proceeding if there is a disagreement about any aspect of the representation, such as the appropriateness of the bargaining unit or the eligibility of employees to be included in an appropriate bargaining unit. RCW 41.56.050. If a disagreement exists, the parties must submit the dispute to this agency for an appropriate ruling. *Id.* If voluntary recognition is extended, the employer is then obligated to bargain with the union. *City of Kennewick*, Decision 482-B (PECB, 1980).

A voluntarily recognized bargaining unit is not granted the same legal status as a bargaining unit certified by this agency. For example, a voluntarily recognized bargaining unit does not enjoy the privileged of the RCW 41.56.070 and WAC 391-25-030 certification bar. *Wapato School District*, Decision 2227 (PECB, 1985). However, voluntarily recognized units are otherwise subject under the statute and rules to petitions for decertification, change of exclusive bargaining representative, severance, or merger of units on the same basis as are units certified by the Commission. *Id.* A petitioner in such a subsequent representation case is not limited to the bargaining unit structure established by the employer and the incumbent exclusive bargaining representative in their voluntary recognition transaction. *Kitsap County*, Decision 2116 (PECB, 1984).

Application of Standards

The request for clarification is granted because the employer has effectively recognized the ACCA as the exclusive bargaining representative of the extracurricular employees despite the existing certification. The employer and ACCA have negotiated numerous collective bargaining agreements that recognized the ACCA as the exclusive bargaining representative of the extracurricular employees. The ACCA has also effectively served as the bargaining representative for the extracurricular employees and represented those employees for purposes of collective bargaining. The parties also agree that AEA exercises no authority over the ACCA and has not represented the extracurricular employees for purposes of collective bargaining.

The existing certifications shall be amended to reflect the ACCA's status as the exclusive bargaining representative of the extracurricular employees and to reflect that no extracurricular employees are included in the certificated employees bargaining unit. The bargaining unit structures for each unit have not been altered, and no question concerning representation exists.

ORDER

1. Case 141443-C-24 – The bargaining unit represented by the Anacortes Education Association is amended to read as follows:

All nonsupervisory certificated employees employed by the Anacortes School District, excluding supervisors, confidential employees, classified employees, extracurricular employees, and all other employees.

2. Case 141444-C-24 – The certification issued in *Anacortes School District*, Decision 5777 shall be amended to reflect the Anacortes Co-Curricular and Coaching Association is the bargaining representative of record. The bargaining unit shall continue to be described as:

All employees who conduct extracurricular activities and perform related assignments in the Anacortes School District for which no certification is required, excluding certificated employees, supervisors, confidential employees, casual employees and all other employees of the employer.

3. The amendment to the certifications issued in this proceeding does not give rise to a new “certification bar” year under RCW 41.56.070 or WAC 391-25-030(3).

ISSUED at Olympia, Washington, this 25th day of February, 2025.

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 02/25/2025

DECISIONS 14055 – EDUC and 14056 - 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

CASES 141443-C-24 and 141444-C-24

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