

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

WASHINGTON FEDERATION OF STATE
EMPLOYEES

For clarification of an existing bargaining unit
of employees of:

WASHINGTON OFFICE OF THE
SECRETARY OF STATE

CASE 141636-C-25

DECISION 14062 - PSRA

ORDER MERGING BARGAINING
UNITS

Herb Harris, Manager of PERC Activities, for the Washington Federation of State Employees.

Joshua C. Sneva, Assistant Attorney General, Attorney General Nicholas W. Brown, for the Washington Office of the Secretary of State.

On January 10, 2025, the Washington Federation of State Employees filed a unit clarification petition seeking to merge four bargaining units the union represents at the Washington Office of the Secretary of State (employer). The petition does not seek to add or remove any positions to or from the merged bargaining units and the employer does not contest the union's petition. The request for merger and amendment to the bargaining unit description is granted.

BACKGROUND

The union represents four bargaining units in the employer's workforce, including an Archives and Record Division unit, Elections Division and Civic Engagement Program unit, Information and Security Response unit, and an Information Technology unit. The Archives and Records Division bargaining unit is currently defined as "All non-supervisory civil service employees of the Archives and Records Division of the Office of the Secretary of State, excluding confidential employees, internal auditors, supervisors, Washington Management Service employees (on and

after July 1, 2004), and employees historically excluded from the unit by orders of the Washington Personnel Resources Board or its predecessors.” *State – Secretary of State*, Decision 8195 (PSRA, 2004); *see also Washington Office of the Secretary of State*, Decision 13778 (PSRA, 2024). There are approximately 36 employees in this bargaining unit.

The Elections Division and Civic Engagement Program bargaining unit is currently defined as “All civil service employees covered under Chapter 41.06 RCW and Chapter 41.80 RCW in the Elections Division and Civic Engagement Program of the Washington Secretary of State’s Office, excluding supervisors, confidential employees, Washington Management Service employees, and all other employees.” *Washington Office of the Secretary of State*, Decision 13955 (PSRA, 2024); *see also State – Secretary of State*, Decision 12076 (PSRA, 2014). At the time this bargaining unit was certified, there were approximately 26 employees in the unit.

The Information and Security Response bargaining unit is currently defined as “All civil service employees covered under chapter 41.06 RCW and chapter 41.80 RCW in the Information and Security Response unit of the Washington Office of the Secretary of State, excluding supervisors, confidential employees, Washington Management Service employees, and all other employees.” *Washington Office of the Secretary of State*, Decision 13836 (PSRA, 2024). There are approximately 13 employees in this bargaining unit.

The Information Technology bargaining unit is currently defined as “All civil service employees of the Information Technology Department of the Office of the Secretary of State, excluding confidential employees, supervisor, WMS employees, Internal Auditors, and employees in other bargaining units.” *Washington Office of the Secretary of State*, Decision 13945 (PSRA, 2024). There are approximately 37 employees in this bargaining unit.

ANALYSIS

Applicable Legal Standard

This agency has the authority to create new bargaining units and to modify existing bargaining units to ensure their continued appropriateness. RCW 41.80.070. Included in that authority is the

ability to merge existing bargaining units. Bargaining units of state civil service employees may be merged if the bargaining units subject to merger are represented by the same exclusive bargaining representative and the resulting unit is appropriate under the statute. RCW 41.80.070(3).

The merger of bargaining units under RCW 41.80.070(3) can be presumed to reflect a concern about the proliferation of bargaining units as well as an attempt to avoid fragmentation issues. *University of Washington*, Decision 11155 (PSRA, 2011). Although the statute allows for the merger of existing bargaining units to avoid fragmentation, the focus of the statute is narrow. The statute does not anticipate or contemplate other types of modifications or clarifications to the resulting bargaining unit in the same proceedings.¹

Merger is appropriate under RCW 41.80.070 because the parties are not seeking to add any positions to the bargaining unit. *See State – Agriculture*, Decision 12375 (PSRA, 2015) (the scope of RCW 41.80.070(3) is narrow; the statute only apply to existing bargaining units).

Application of Standard

In this instance, the parties agree that the four bargaining units represented by the union should be merged. Nothing has come to the attention of this agency suggesting that a single, merged bargaining unit comprised of the employees in the existing bargaining units would be inappropriate. Merging the bargaining units would also address the “fragmentation” component of the statutory unit determination criteria found in RCW 41.80.070 and the union is not seeking to add or remove any positions to or from the merged bargaining unit that would give rise to a question concerning representation. The request for merger and amendment to the bargaining unit description is granted.

¹ However, the parties can agree to clarify existing bargaining units at the same time provided the clarification is timely. *See, e.g., State – Fish and Wildlife*, Decision 12141 (PSRA, 2014).

FINDINGS OF FACT

1. The Washington Office of the Secretary of State is an employer within the meaning of RCW 41.80.005(8).
2. The Washington Federation of State Employees (union) is an employee organization within the meaning of RCW 41.80.005(7) and represents four separate bargaining units of nonsupervisory employees at the Washington Office of the Secretary of State, including an Archives and Record Division unit, Elections unit, Information and Security Response unit, and an Information Technology unit.
3. The Archives and Records Division bargaining unit is currently defined as “All non-supervisory civil service employees of the Archives and Records Division of the Office of the Secretary of State, excluding confidential employees, internal auditors, supervisors, Washington Management Service employees (on and after July 1, 2004), and employees historically excluded from the unit by orders of the Washington Personnel Resources Board or its predecessors.” There are approximately 36 employees in this bargaining unit.
4. The Elections Division and Civic Engagement Program bargaining unit is currently defined as “All civil service employees covered under Chapter 41.06 RCW and Chapter 41.80 RCW in the Elections Division and Civic Engagement Program of the Washington Secretary of State’s Office, excluding supervisors, confidential employees, Washington Management Service employees, and all other employees.” At the time this bargaining unit was certified, there were approximately 10 employees in the unit.
5. The Information and Security Response bargaining unit is currently defined as “All civil service employees covered under chapter 41.06 RCW and chapter 41.80 RCW in the Information and Security Response unit of the Washington Office of the Secretary of State, excluding supervisors, confidential employees, Washington

Management Service employees, and all other employees.” There are approximately 8 employees in this bargaining unit.

6. The Information Technology bargaining unit is currently defined as: All civil service employees of the Information Technology Department of the Office of the Secretary of State, excluding confidential employees, supervisor, WMS employees, Internal Auditors, and employees in other bargaining units. There are approximately 28 employees in this bargaining unit.
7. The parties agree that merging the bargaining units described in findings of fact 3 through 6 would result in an appropriate bargaining unit and merging these bargaining units would not result in positions being added to or removed from the merged bargaining unit.
8. No facts that would call into question the propriety of the proposed merger described in these findings of fact have been discovered or brought to the attention of this agency.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter under chapter 41.80 RCW.
2. The merger of the bargaining units described in findings of fact 3 through 6 will result in an appropriate unit for the purpose of collective bargaining under RCW 41.80.070.

ORDER

1. The bargaining units described in findings of fact 3 through 6 shall be merged into one bargaining unit described as follows:

All civil service employees covered under chapter 41.06 RCW and chapter 41.80 RCW employed by the Office of the Secretary of the State in the Archives and Records Division, Elections Division and Civic Engagement Program, Information and Security Response unit, and Information Technology Department, excluding supervisors, confidential employees, Washington Management Service employees, and all other employees.

2. The Washington Federation of State employees shall continue to be the exclusive bargaining representative of all employees in the merged bargaining unit described in paragraph 1 of this order.

ISSUED at Olympia, Washington, this 3rd day of March, 2025.

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 03/03/2025

DECISION 14062 - 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

CASE 141636-C-25

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