

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

UNIVERSITY OF WASHINGTON

For clarification of an existing bargaining unit
represented by:

WASHINGTON FEDERATION OF STATE
EMPLOYEES

CASES 143097-C-25
 143098-C-25

DECISION 14123 - PSRA

ORDER CLARIFYING BARGAINING
UNITS

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

Banks Evans III, Assistant Vice President, Labor Relations, for the University of Washington.

On April 25, 2025, the University of Washington (employer) filed two unit clarification petitions concerning employees at the Harborview Medical Center (Harborview). The first petition seeks to remove the Social Worker Assistant 1 job classification from the bargaining unit of mixed class nonsupervisory employees working at Harborview that is represented by the Washington Federation of State Employee (WFSE). The petition seeks to move those employees to a bargaining unit of Social Workers and Dietitians working at Harborview that is represented by SEIU Healthcare 1199NW (1199). The second petition seeks to remove the Anesthesiology Technician 1 and Respiratory Care Assistant job classes from the WFSE's nonsupervisory bargaining unit at Harborview and move them to 1199NW's bargaining unit of Respiratory Therapists, Anesthesia Technicians, and Electroneurodiagnostic Technologists working at Harborview.

The parties agree that the work performed by the Social Worker Assistant 1, the Anesthesiology Technician 1, and Respiratory Care Assistant job classes at Harborview has been mixed work performed by both the WFSE and 1199NW bargaining units. The parties agree that the bargaining

units should be clarified to move from the WFSE bargaining unit to the two 1199NW bargaining units. The petitions are granted because the moving the positions to the 1199NW bargaining units will eliminate work jurisdiction issues.

BACKGROUND

The employer operates Harborview as part of its healthcare system. *University of Washington*, Decision 13850 (PSRA, 2024). There are several bargaining units at Harborview, three of which are relevant to these two petitions. The first is a bargaining unit of nonsupervisory employees in mixed job classes represented by the WFSE. That unit is described as follows:

All nonsupervisory classified employees covered by chapter 41.06 RCW and chapter 41.80 RCW employed by Harborview Medical Center, including qualifying temporary employees as defined by WAC 357-04-045; excluding confidential employees, supervisors, and all other employees.

University of Washington, Decision 13896 (PSRA, 2024).

The second is a bargaining unit of Social Workers, Speech Pathologists, and Dietitians represented by 1199NW. That unit is described as follows:

All full-time and regular part-time employees in the Social Worker, Social Worker Assistant 2, Language Pathology Trainee, Speech Pathologist 1, Speech Pathologist 2, Speech Pathologist 3, and Dietitian job classes at the University of Washington Harborview Medical Center, excluding supervisors, confidential employees, temporary employees, and employees in other bargaining units.

University of Washington, Decision 13505 (PSRA, 2022).

The last unit is a unit of Electroneurodiagnostic, Respiratory Care, and Anesthesia Technician employees also represented by 1199NW. That unit is described as follows:

All nonsupervisory classified employees covered by chapter 41.06 RCW and chapter 41.80 RCW, including qualifying temporary employees as defined by WAC 357-04-045, employed by the University of Washington at Harborview

Medical Center in the following job classes: Electroneurodiagnostic Technologist, Respiratory Therapist, Anesthesia Technicians, and Respiratory Care Specialist; excluding supervisors, confidential employees, and those employees in existing bargaining units.

University of Washington, Decision 13930 (PSRA, 2024).

The parties all agree that the work performed by the employees in the Social Worker Assistant 1, Anesthesiology Technician 1, and Respiratory Care Assistant has been mixed work performed by employees in both the WFSE and 1199NW bargaining units. The parties agree that the bargaining units should be clarified to move all the positions performing the work to the 1199NW bargaining units.

ANALYSIS

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). When making bargaining unit determinations, the Commission seeks to avoid fragmentation and potential work jurisdiction disputes. *King County (ATU Local 587)*, Decision 6696 (PECB, 1999). Bargaining unit determinations are made on a case-by-case basis. *King County*, Decision 5910-A (PECB, 1997).

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) (outlining the procedures to remove supervisors from existing bargaining units). Unit clarification proceedings can be used to determine the bargaining unit placement of newly-created positions. WAC 391-35-020(1)(a).

The change in circumstance that triggers a unit clarification petition under WAC 391-35-020(3) and (4) must be a meaningful change in an employee's duties and responsibilities.¹ *University of Washington*, Decision 10496-A (PSRA, 2011) (citing *City of Richland*, Decision 279-A (PECB, 1978)). 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. Other types of changes to the workplace environment, such as a reorganization of an employer's workforce, are occurrences that could trigger a unit clarification petition. *See Lewis County (Teamsters Local 252)*, Decision 6750 (PECB, 1999). Absent a recent change in circumstances, a unit clarification petition will be dismissed as untimely. *University of Washington*, Decision 11590-A (PSRA, 2013).

When a unit clarification petition is found to be timely under WAC 391-35-020, the appropriateness of the existing bargaining unit or units is inherently at issue. Even if appropriateness is assumed, as opposed to litigated, this agency may still review the appropriateness of a bargaining unit. *Mead School District*, Decision 7183-A (PECB, 2001). In determining whether an existing bargaining unit or units remain appropriate in a unit clarification proceeding, the Commission applies the same statutory unit determination criteria used to establish the unit's initial appropriateness.

¹ In accordance with WAC-391-35-020(4)(c), parties may waive the timeliness requirement of WAC 391-35-020(4)(a).

In making bargaining unit determinations, the Commission considers “the duties, skills, and working conditions of the employees; the history of collective bargaining; the extent of organization among the employees; the desires of the employees; and the avoidance of excessive fragmentation.” RCW 41.80.070. The criteria are not applied on a strictly mathematical basis. *King County*, Decision 5910-A. Not all of the factors will arise in every case and any one factor could be more important than another, depending on the facts. *Renton School District*, Decision 379-A (EDUC, 1978), *aff’d*, *Renton Education Association v. Public Employment Relations Commission*, 101 Wn.2d 435 (1984).

Application of Legal Standard

The parties’ agreement to remove employees in the Social Worker Assistant 1, Anesthesiology Technician 1, and Respiratory Care Assistant job classes from the WFSE bargaining unit and place them in the two 1199NW bargaining units is accepted. Moving those employees from the WFSE bargaining unit to the two 1199NW bargaining units will eliminate any work jurisdiction issues and confusion surrounding the work performed by those positions.

FINDINGS OF FACT

1. The University of Washington is an employer within the meaning of RCW 41.80.005(10).
2. The Washington Federation of State Employees is an employee organization within the meaning of RCW 41.80.005(7).
3. SEIU Healthcare 1199NW is an employee organization within the meaning of RCW 41.80.005(7).
4. The University of Washington operates Harborview Medical Center as part of its healthcare system.
5. The Washington Federation of State Employees represents a bargaining unit of nonsupervisory employees in mixed job classes at Harborview that is described as:

All nonsupervisory classified employees covered by chapter 41.06 RCW and chapter 41.80 RCW employed by Harborview Medical Center, including qualifying temporary employees as defined by WAC 357-04-045; excluding confidential employees, supervisors, and all other employees.

6. SEIU Healthcare 1199NW represents a bargaining unit of Social Workers, Speech Pathologists, and Dietitians at Harborview that is described as:

All full-time and regular part-time employees in the Social Worker, Social Worker Assistant 2, Language Pathology Trainee, Speech Pathologist 1, Speech Pathologist 2, Speech Pathologist 3, and Dietitian job classes at the University of Washington Harborview Medical Center, excluding supervisors, confidential employees, temporary employees, and employees in other bargaining units.

7. SEIU Healthcare 1199NW represents a bargaining unit of Electroneurodiagnostic, Respiratory Care, and Anesthesia Technician employees at Harborview that is described as:

All nonsupervisory classified employees covered by chapter 41.06 RCW and chapter 41.80 RCW, including qualifying temporary employees as defined by WAC 357-04-045, employed by the University of Washington at Harborview Medical Center in the following job classes: Electroneurodiagnostic Technologist, Respiratory Therapist, Anesthesia Technicians, and Respiratory Care Specialist; excluding supervisors, confidential employees, and those employees in existing bargaining units.

8. The parties all agree that the work performed by the employees in the Social Worker Assistant 1, Anesthesiology Technician 1, and Respiratory Care Assistant has been mixed work performed by employees in both the WFSE and 1199NW bargaining units.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to chapter 41.80 RCW and chapter 391-35 WAC.

2. The employees in the Social Worker Assistant 1 job classes in the bargaining unit described in finding of fact 5 only share a community of interest with the bargaining unit described in finding of fact 6.
3. The employees in the Anesthesiology Technician 1 and Respiratory Care Assistant job classes in the bargaining unit described in finding of fact 5 only share a community of interest with the bargaining unit described in finding of fact 7.

ORDER

1. The employees in the Social Worker Assistant 1 job class represented by the Washington Federation of State Employees described in finding of fact 5 shall be removed from that bargaining unit and placed in the bargaining unit represented by SEIU Healthcare 1199NW described in finding of fact 6.
2. The bargaining unit represented by SEIU Healthcare 1199NW described in finding of fact 6 shall be redefined as:

All full-time and regular part-time employees in the Social Worker, Social Worker Assistant 1, Social Worker Assistant 2, Language Pathology Trainee, Speech Pathologist 1, Speech Pathologist 2, Speech Pathologist 3, and Dietitian job classes at the University of Washington Harborview Medical Center, excluding supervisors, confidential employees, temporary employees, and employees in other bargaining units.

3. The employees in the Anesthesiology Technician 1 and Respiratory Care Assistant job class represented by the Washington Federation of State Employees in finding of fact 5 shall be removed from that bargaining unit and placed in the bargaining unit represented by SEIU Healthcare 1199NW described in finding of fact 7.
4. The bargaining unit represented by SEIU Healthcare 1199NW described in finding of fact 7 shall be redefined as:

All nonsupervisory classified employees covered by chapter 41.06 RCW and chapter 41.80 RCW, including qualifying temporary employees as defined by WAC 357-04-045, employed by the University of Washington at Harborview Medical Center in the following job classes: Electroneurodiagnostic Technologist, Respiratory Therapist, Anesthesia Technicians, Respiratory Care Specialist, and Respiratory Care Assistant; excluding supervisors, confidential employees, and those employees in existing bargaining units.

ISSUED at Olympia, Washington, this 29th day of May, 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 5/29/2025

DECISION 14123 - PSRA has been served electronically by the Public Employment Relations Commission to the parties and their representatives listed below. If no email address was provided, a paper copy was sent to the mailing address.

BY: DEBBIE BATES

CASES 143097-C-25
143098-C-25

EMPLOYER: UNIVERSITY OF WASHINGTON

REP BY: BANKS EVANS III
UNIVERSITY OF WASHINGTON
4320 BROOKLYN AVE NE
PO BOX 354960
SEATTLE, WA 98195-4960
BANKSE@UW.EDU

PARTY 2: WASHINGTON FEDERATION OF STATE EMPLOYEES

REP BY: HERB HARRIS
WASHINGTON FEDERATION OF STATE EMPLOYEES
1212 JEFFERSON ST SE STE 300
OLYMPIA, WA 98501-2332
HERBH@WFSE.ORG

PARTY 3: SEIU HEALTHCARE 1199NW

REP BY: JANE HOPKINS
SEIU HEALTHCARE 1199NW
19823 58TH PL S STE 200
KENT, WA 98032
JANEH@SEIU1199NW.ORG