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**Commerce & Labor Committee**

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**ESB 5510**

**Brief Description:** Allowing supervisory classes into the same bargaining unit at institutions of higher education.

**Sponsors:** Senators Spanel and Kohl-Welles.

**Brief Summary of Engrossed Bill**

- Allows the Public Employment Relations Commission to combine members of supervisory classes in the same bargaining unit at institutions of higher education, whether individual members are actually serving as supervisors at any given time.

**Hearing Date:** 3/24/05

**Staff:** Chris Cordes (786-7103).

**Background:**

State employees covered by civil service, including civil service employees at institutions of higher education, bargain under the Personnel System Reform Act of 2002 (PSRA). Under the PSRA, the Public Employment Relations Commission (PERC) determines the appropriate bargaining units of employees. In making these determinations, the PERC must consider several factors generally known as the "community of interest" standards. These factors include:

- the duties, skills, and working conditions of the employees;
- the history of collective bargaining;
- the extent of organization among the employees; and
- the desires of the employees.

The PERC must also avoid excessive fragmentation.

A bargaining unit is not considered appropriate if it includes both supervisors and nonsupervisory employees. However, a bargaining unit that includes only supervisors may be considered appropriate if the supervisors approve the unit by a majority vote.

The PSRA defines "supervisor" as an employee who has authority to take certain employment actions, including hiring, discharging, disciplining, and promoting other employees, if the exercise of authority is not merely routine, but requires the exercise of individual judgment. "Employees" includes most civil service employees, but does not include student workers, for example.

In June of 2004, the bargaining representative for a supervisory bargaining unit at Western Washington University filed a petition for unit clarification. The unit included employees who

supervised only student workers. The parties stipulated that the unit must be divided to conform with the PSRA. The conclusions of law in the PERC order included that, because the students were not civil service employees, the exercise of authority over these workers was not "supervisory" within the meaning of the PSRA. As a result, the unit was divided into two units: one including the non-supervisory civil service employees who supervised student workers, and the second including the supervisory civil service employees of other civil service employees.

Under the state civil service law, state employees are appointed to positions within various job classifications. These job classifications are implemented by the Department of Personnel based on classification rules adopted by the Washington Personnel Resources Board.

**Summary of Bill:**

Under the Personnel Reform Act of 2002, a bargaining unit at an institution of higher education may be considered appropriate when members of supervisory classifications are combined in the same unit regardless of whether individual members of the unit are actually serving as a supervisor at any given time. However, no member of the bargaining unit may supervise another member of the bargaining unit. The Public Employment Relations Commission must apply the community of interest standards and consolidate units under established unit determination procedures.

A supervisory class is one in which employees holding the classification may be assigned to supervise at the employer's discretion without a classification change.

**Rules Authority:** The bill does not contain provisions addressing the rule-making powers of an agency.

**Appropriation:** None.

**Fiscal Note:** Requested on March 21, 2005.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.