

SB 5510 - S AMD 348
By Senator Spanel

ADOPTED 03/15/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 41.80.070 and 2002 c 354 s 308 are each amended to
4 read as follows:

5 (1) A bargaining unit of employees covered by this chapter existing
6 on June 13, 2002, shall be considered an appropriate unit, unless the
7 unit does not meet the requirements of (a) and (b) of this subsection.
8 The commission, after hearing upon reasonable notice to all interested
9 parties, shall decide, in each application for certification as an
10 exclusive bargaining representative, the unit appropriate for
11 certification. In determining the new units or modifications of
12 existing units, the commission shall consider: The duties, skills, and
13 working conditions of the employees; the history of collective
14 bargaining; the extent of organization among the employees; the desires
15 of the employees; and the avoidance of excessive fragmentation.
16 However, a unit is not appropriate if it includes:

17 (a) Both supervisors and nonsupervisory employees. A unit that
18 includes only supervisors may be considered appropriate if a majority
19 of the supervisory employees indicates by vote that they desire to be
20 included in such a unit; or

21 (b) More than one institution of higher education. For the
22 purposes of this section, any branch or regional campus of an
23 institution of higher education is part of that institution of higher
24 education.

25 (2) Notwithstanding subsection (1)(a) and (b) of this section, at
26 an institution of higher education, members of supervisory classes may
27 be combined in the same bargaining unit, regardless of whether the
28 individual members of the bargaining unit may be actually serving as a
29 supervisor at any given point in time, subject to established community
30 of interest standards as applied by the public employment relations

1 commission, and upon the condition that no member of the bargaining
2 unit supervises another member of the unit. The consolidation of
3 employees as authorized by this subsection will be performed by the
4 public employment relations commission under established unit
5 determination procedures. For the purposes of this subsection, a
6 supervisory class is one in which employees holding the classification
7 may be assigned as a supervisor at the employer's discretion without a
8 classification change.

9 (3) The exclusive bargaining representatives certified to represent
10 the bargaining units existing on June 13, 2002, shall continue as the
11 exclusive bargaining representative without the necessity of an
12 election.

13 ((+3)) (4) If a single employee organization is the exclusive
14 bargaining representative for two or more units, upon petition by the
15 employee organization, the units may be consolidated into a single
16 larger unit if the commission considers the larger unit to be
17 appropriate. If consolidation is appropriate, the commission shall
18 certify the employee organization as the exclusive bargaining
19 representative of the new unit."

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20 On page 1, line 2 of the title, after "purposes;" strike the
21 remainder of the title and insert "and amending RCW 41.80.070."

EFFECT: Allows managers/supervisors to be combined in one bargaining unit whether they supervise students or classified employees, as long as they hold a supervisory classification. No employee is allowed to supervise another employee in the same bargaining unit. This language is permissive, no existing bargaining unit is required to change its composition.

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