
ENGROSSED SENATE BILL 5510

State of Washington

59th Legislature

2005 Regular Session

By Senators Spanel and Kohl-Welles

Read first time 01/26/2005. Referred to Committee on Labor,
Commerce, Research & Development.

1 AN ACT Relating to defining supervisor for public employment
2 purposes; and amending RCW 41.80.070.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

18 (a) Both supervisors and nonsupervisory employees. A unit that

1 includes only supervisors may be considered appropriate if a majority
2 of the supervisory employees indicates by vote that they desire to be
3 included in such a unit; or

4 (b) More than one institution of higher education. For the
5 purposes of this section, any branch or regional campus of an
6 institution of higher education is part of that institution of higher
7 education.

8 (2) Notwithstanding subsection (1)(a) and (b) of this section, at
9 an institution of higher education, members of supervisory classes may
10 be combined in the same bargaining unit, regardless of whether the
11 individual members of the bargaining unit may be actually serving as a
12 supervisor at any given point in time, subject to established community
13 of interest standards as applied by the public employment relations
14 commission, and upon the condition that no member of the bargaining
15 unit supervises another member of the unit. The consolidation of
16 employees as authorized by this subsection will be performed by the
17 public employment relations commission under established unit
18 determination procedures. For the purposes of this subsection, a
19 supervisory class is one in which employees holding the classification
20 may be assigned as a supervisor at the employer's discretion without a
21 classification change.

22 (3) The exclusive bargaining representatives certified to represent
23 the bargaining units existing on June 13, 2002, shall continue as the
24 exclusive bargaining representative without the necessity of an
25 election.

26 ~~((+3))~~ (4) If a single employee organization is the exclusive
27 bargaining representative for two or more units, upon petition by the
28 employee organization, the units may be consolidated into a single
29 larger unit if the commission considers the larger unit to be
30 appropriate. If consolidation is appropriate, the commission shall
31 certify the employee organization as the exclusive bargaining
32 representative of the new unit.

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