



PUBLIC EMPLOYMENT RELATIONS COMMISSION
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PETITION FOR INVESTIGATION OF QUESTION
CONCERNING REPRESENTATION

PUBLIC EMPLOYMENT
RELATIONS COMMISSION

Form E-1 (9/2010)

Amended Petition in Case

Applicable Rules: Chapters 10-08, 391-08 and 391-25 WAC

Filing instructions: www.perc.wa.gov/Forms/E-1-inst.pdf

1. PARTIES The petitioner claims that a question concerning
representation exists involving certain employees of the
employer.

EMPLOYER Department of Agriculture
Contact Person Rose Mattison, HR Manger
Address P.O. Box 42560
City, State, ZIP Olympia, WA 98504-2560
Telephone (360) 902-1981 Ext.
Fax (360) 902-1821
E-Mail rmattison@agr.wa.gov

PETITIONER Washington Federation of State Employees
Contact Person Gladys V. Burbank
Address 1212 Jefferson St., SE, Suite 300
City, State, ZIP Olympia, WA 98501
Telephone (360) 352-7603 Ext.
Fax (360) 352-7608
E-Mail gladys@wfse.org

INCUMBENT BARGAINING REPRESENTATIVE
(If one exists) Washington Federation of State Employees
Contact Person Gladys V. Burbank
Address 1212 Jefferson St., SE, Suite 300
City, State, ZIP Olympia, WA 98501
Telephone (360) 352-7603 Ext.
Fax (360) 352-7608
E-Mail gladys@wfse.org

2. DESIGNATION OF REQUEST Select ONE.

- RECOGNITION REQUEST The petitioner requests certification
as exclusive representative of the bargaining unit.
CHANGE OF REPRESENTATIVE The employees in the
bargaining unit want to designate the petitioner as their
exclusive bargaining representative.
DECERTIFICATION The employees in the bargaining unit no
longer wish to be represented by any employee organization.
INCLUSION OF UNREPRESENTED EMPLOYEES The petitioner
requests to have a group of employees added to an existing
bargaining unit pursuant to WAC 391-25-440.
EMPLOYER PETITION -- DEMAND FOR RECOGNITION The
employer has been presented with one or more demands for
recognition (per attached documents) and requests a
determination by the Commission.
EMPLOYER PETITION -- INCUMBENCY QUESTIONED The
employer has a good faith belief (per attached documents)
that a majority of employees no longer desire to be
represented by the incumbent bargaining representative.

3. BARGAINING UNIT

Department or Division Involved

Grain Inspection

Number of Employees in Unit 76

Bargaining Unit Description On a separate sheet of paper:

For a new bargaining unit, describe the proposed bargaining
unit. Indicate proposed inclusions and exclusions.

If the bargaining unit already exists, provide the description
in the collective bargaining agreement or in the PERC
decision certifying the unit. Attach a copy of the parties'
current or most recent collective bargaining agreement, or
indicate the agreement is already on file with PERC.

4. SHOWING OF INTEREST

A petition filed by an organization or by employees must be accompanied by a showing of interest indicating that the petitioner
has the support of 30% or more of the employees in the bargaining unit.

5. OTHER RELEVANT FACTS Indicate if applicable.

ADDITIONAL INFORMATION is set forth on separate sheets of paper attached to this petition

6. AUTHORIZED SIGNATURE FOR PETITIONER

Print Name Gladys V. Bunbank

Title Director PERC Act

Signature Gladys V. Burbank

Date June 29, 2012

Department of Agriculture
Grain Inspection Bargaining Unit

3. Bargaining Unit Description:

All employees in permanent positions within the Grain Branch of the Grain and Chemical Division, Department of Agriculture, with the exception of the Grain Inspector IV and positions supervisory thereto. (See RU 105 attached).

The Collective Bargaining Agreement is on file with PERC-- 2011-2013 General Government Bargaining Agreement— # 007-6-2013.

Request for clarification of the
Grain Branch bargaining unit of
the Department of Agriculture

RU-105
FINDINGS, CONCLUSIONS
AND DECISION

1 This matter came before the Washington State Personnel Board on the petition
2 of the Washington Federation of State Employees, AFL-CIO, for clarification of the
3 Grain Branch bargaining unit in the Department of Agriculture. The Board reviewed
4 oral and written statements at its regular monthly meeting on June 20, 1974. The
5 Board now makes its findings, conclusions and decision.

6
7 FINDINGS

8 I

9 The Washington Federation of State Employees filed a petition on May 14, 1974,
10 to clarify the Grain Branch bargaining unit in the Department of Agriculture. The
11 Federation seeks clarification on the bargaining unit status of intermittent Grain
12 Branch employees by proposing that the unit description be changed to include only
13 those employees in permanent Grain Branch positions. The proposed bargaining unit
14 is described as:

15 All employees in permanent positions within the Grain Branch of the
16 Grain and Chemical Division, Department of Agriculture, with the
exception of the Grain Inspector IV and positions supervisory thereto.

17 II

18 Employees of the Grain Branch of the Department of Agriculture are responsible
19 for the inspection of grain at shipping points located throughout the state. The
20 intermittent employees of the Grain Branch perform essentially the same duties as
21 permanent employees but are not covered by the existing grievance procedure, RIF
22 procedure nor the promotional and appeal sections of the Merit System Rules.

23 III

24 The Washington Federation of State Employees indicates that it has not con-
25 sidered intermittent employees to be members of the Grain Branch bargaining unit
26 and has accordingly excluded these employees from coverage under the collective
27 bargaining agreements negotiated with the Department of Agriculture.

RU-105 Findings

1 IV

2 The Grain Branch bargaining unit employees voted in April, 1974, to require
3 that all employees in that unit become members of the Washington Federation of
4 State Employees as a condition of their employment.

5 V

6 The Washington Federation of State Employees maintains that it is the desire
7 of both intermittent and permanent Grain Branch employees to have the unit as so
8 petitioned.

9 VI

10 The Department of Agriculture supports the petitioner's efforts to clarify the
11 Grain Branch bargaining unit.

12 VII

13 Twenty days notice has been given to the Department of Agriculture, the
14 affected employees and to their known representatives.

15 CONCLUSIONS

16 I

17 The Board has jurisdiction over the subject matter herein and the parties
18 hereto.

19 II

20 Permanent Grain Branch employees, having evidenced a desire to bargain
21 separately from the intermittent employees, having separate working conditions,
22 and having a separate history of collective bargaining, should be designated as
23 a distinct bargaining unit within the Department of Agriculture.

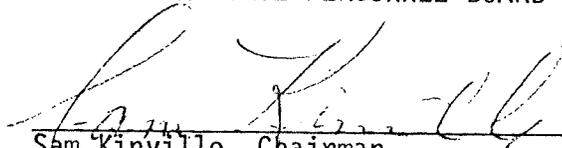
24 DECISION

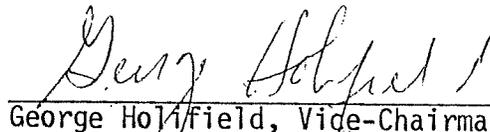
25 IT IS HEREBY ORDERED That: The Grain Branch bargaining unit shall be described
26 as follows:

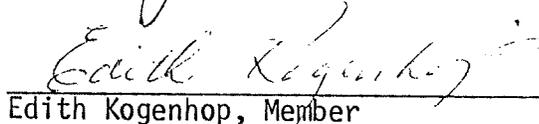
27 All employees in permanent positions within the Grain Branch of the
28 Grain and Chemical Division, Department of Agriculture, with the
29 exception of the Grain Inspector IV and positions supervisory thereto.
30
31
32

1 DATED this 30th day of July, 1974.

2
3 WASHINGTON STATE PERSONNEL BOARD

4
5 
6 Sam Kinville, Chairman

7
8 
9 George Holifield, Vice-Chairman

10
11 
12 Edith Kogenhop, Member



STATE HEADQUARTERS OFFICE
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**Certificate of Service
Department of Agriculture
Grain Branch Bargaining Unit**

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As per PERC Commission requirements and WAC 391-08-120(4), I, Tavie Smith, do certify that the following facts regarding servicing of the Representation Petition for the Department of Agriculture, Grain Branch Bargaining Unit is true.

On June 29, 2012 I deposited in the United States mail, properly stamped and addressed a copy of the petition to Rose Mattison, Department of Agriculture and Rick Hall, OFM Labor Relations. To the best of my knowledge and belief these are the representatives of the other parties that would need to be notified to fulfill our obligations under WAC 391-08-120 (4).

Signed on June 29, 2012 by

Tavie Smith

Tavie J. Smith
Signature

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June 29, 2012

Michael P. Sellars, Executive Director
Public Employment Relations Commission
P. O. Box 40919
Olympia, WA 98504-0919

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RELATIONS COMMISSION

Dear Mr. Sellars:

The Washington Federation of State Employees is filing the enclosed representation petition under WAC 391-25-440 to add the non-permanent employees, who are employed by the Department of Agriculture in the Grain Inspection Program, to the Grain Branch Bargaining Unit.

Our petition would add approximately 25 employees to the existing unit. There are approximately 76 employees in the Grain Branch Bargaining Unit currently.

The addition of these employees to the existing unit is appropriate as they perform grain inspection functions.

We are submitting showing of interest cards for a majority of the employees who would be added to the unit so we are requesting that the cross check procedures under WAC 391-25-396 be used to determine the desires of the employees.

Sincerely,

Gladys V. Burbank
Director of PERC Activities
Washington Federation of State Employees

CC: Rose Mattison, Human Resources Manager, Department of Agriculture
Rick Hall, OFM Labor Relations

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