



**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

112 Henry Street NE, Suite 300, Olympia WA 98506  
PO Box 40919, Olympia WA 98504-0919  
Phone: 360.570.7300 Email: filing@perc.wa.gov  
Web: www.perc.wa.gov

**REPRESENTATION PETITION**

☐ Amended Petition in Case # \_\_\_\_\_

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

**PARTIES** Include information for all parties involved.

**EMPLOYER** Washington State Printer (DES)  
**Contact** Haley Thompson  
**Address** 1500 Jefferson  
**City, State, ZIP** Olympia, WA 98504  
**Telephone** 360-407-8426 Ext. \_\_\_\_\_  
**Email** haley.thompson@des.wa.gov

**PETITIONER** Teamsters Local Union No. 117  
**Contact** Scott Clifthorne, Union Representative  
**Address** 14675 Interurban Ave. S. Suite 307  
**City, State, ZIP** Tukwila, WA 98168  
**Telephone** (206) 441-4860 Ext. 1254  
**Email** scott.clifthorne@teamsters117.org

**CURRENT BARGAINING REPRESENTATIVE**

(If one exists) \_\_\_\_\_

**Contact** \_\_\_\_\_  
**Address** \_\_\_\_\_  
**City, State, ZIP** \_\_\_\_\_  
**Telephone** \_\_\_\_\_ Ext. \_\_\_\_\_  
**Email** \_\_\_\_\_

**TYPE OF REQUEST** Select One. The petitioner requests:

- ☐ **RECOGNITION** to be certified as the representative of employees currently unrepresented.
- ☐ **CHANGE OF REPRESENTATIVE** to be certified as the representative of employees currently represented by another organization.
- ☐ **DECERTIFICATION** to no longer be represented by the current organization.
- ☒ **INCLUSION OF UNREPRESENTED EMPLOYEES** to have a group of employees added to an existing bargaining unit as described in WAC 391-25-440.
- ☐ **EMPLOYER PETITION** a determination by the commission according to WAC 391-25-090.

**BARGAINING UNIT**

**Description of Bargaining Unit:** Indicate inclusions / exclusions  
Accrete one (1) classification (Electronic Prepress Specialist) member into Teamsters existing Washington State Printer (DES) bargaining unit.

**Department or Division** WA State Printer

**Number of Employees in Unit** 1

**Collective Bargaining Agreement**

If one exists, the bargaining unit's most recent collective bargaining agreement must be filed with this petition.

**Contract Expiration Date:** June 30, 2021

**OTHER RELEVANT FACTS**

☒ Additional information relating to the proposed bargaining unit is attached.

**SHOWING OF INTEREST**

The petition must be filed with a showing of interest indicating support of at least 30% of the employees in the bargaining unit.  
The showing of interest cards are confidential and are ONLY filed with PERC.

**AUTHORIZED SIGNATURE FOR PETITIONER**

**Print Name** Scott Clifthorne **Telephone** (206) 441-4860 Ext. 1254  
**Title** Union Representative **Email** scott.clifthorne@teamsters117.org  
**Address** 14675 Interurban Ave. S., Suite 307  
**City, State, ZIP** Tukwila, WA 98168 **Signature** Scott Clifthorne **Date** 08/08/19

## CERTIFICATE OF SERVICE

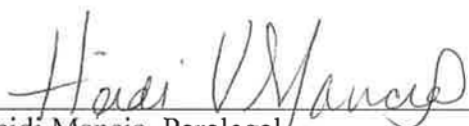
I certify that on this 8th day of August 2019, I caused the original of Teamsters Local Union No. 117's Representation Petition (with attachments) to be sent via email to:

Public Employment Relations Commission  
PO Box 40919  
Olympia, WA 98504-0919  
[filing@perc.wa.gov](mailto:filing@perc.wa.gov)

and a copy was sent via email to:

Haley Thompson  
Employee and Labor Relations Manager  
WA State Printer (DES)  
1500 Jefferson  
Olympia, WA 98504  
[Haley.thompson@des.wa.gov](mailto:Haley.thompson@des.wa.gov)  
(360) 407-8426

TEAMSTERS LOCAL UNION NO. 117

  
Heidi Mancia, Paralegal

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

WASHINGTON STATE DEPARTMENT  
OF ENTERPRISE SERVICES

For clarification of an existing bargaining  
unit represented by:

COMMUNICATIONS WORKERS OF  
AMERICA, THE NEWSPAPER GUILD,  
LOCAL 37082

CASE 131888-C-19

DECISION 13041 - PSRA

ORDER CLARIFYING  
BARGAINING UNIT

*Brad Sherman*, Administrative Officer for the Communications Workers of America, The Newspaper Guild, Local 37082.

*Julie Carnigan*, Assistant Attorney General, Attorney General Robert W. Ferguson for the Washington State Department of Enterprise Services.

On June 27, 2019, the Washington State Department of Enterprise Services (employer) filed a petition to clarify a bargaining unit of employees in the electronic pre-press specialist, assistant pre-press supervisor, and electronic pre-press technician job classifications (bargaining unit) represented by the Communication Workers of America, The Newspaper Guild, Local 37082 (union). The employer alleges that the bargaining unit is no longer appropriate under RCW 41.80.070 and WAC 391-35-330 because it now includes only one employee. The bargaining unit in question was last clarified in April 2012. At that time, the bargaining unit was described as "All employees of the Department of Enterprise Services Business Resources Division Printing and Imaging Services Night Productions and Pre-Press design work units in the following job classifications: Electronic Pre-Press Specialist, Assistant Pre-Press Supervisor, and Electronic Pre-Press Technician, excluding confidential employees, and all other employees."

According to the petition, at the time the unit was recognized, the unit consisted of three positions. In February 5, 2014, one of the positions was eliminated through a reduction in force. Thus two employees remained in the bargaining unit. On March 1, 2019, one of the pre-press specialists

took another job within the agency. The employer has determined it no longer needs two positions to perform the work and will not be filling the pre-press specialists' vacancy. The position was delimited effective March 1, 2019, leaving a single employee in the bargaining unit. The union agrees that only one employee remains in the bargaining unit.

## ANALYSIS

### Applicable Legal Standard

This agency has the authority to define new bargaining units of employees and to modify existing bargaining units to ensure their continued appropriateness. RCW 41.80.070. A one-person unit is inappropriate for collective bargaining. *Port of Bellingham*, Decision 1570-A (PORT, 1983). The agency codified this standard in 2001 when it adopted WAC 391-35-330, which states that “[a] bargaining unit cannot be considered appropriate if it includes only one employee.”

In determining whether an existing bargaining unit has become an inappropriate one-person unit, the Commission considers whether the reduction in unit size to one employee is temporary or permanent. *Grant Public Hospital District 1*, Decision 11755 (PECB, 2013). “A temporary reduction in force of a small unit to a single employee does not . . . relieve an employer of its bargaining obligation.” *Port of Bellingham*, Decision 1570-A, citing *Crispo Cake Cone Co.*, 190 NLRB 352 (1971). In situations where an employer is alleging a unit is no longer appropriate because it includes only one employee, the employer has the burden to establish that the reduction in unit size is permanent, not temporary, in nature. If an employer can establish that the unit has been permanently reduced to one employee, the unit becomes inappropriate and the employer no longer has a bargaining obligation. *Evergreen Water/Sewer District 19*, Decision 10648 (PECB, 2010), citing *Crescendo Broadcasting, Inc.*, 217 NLRB 697 (1975).

### Application of Standard

The bargaining unit is no longer appropriate. In this case, the bargaining unit has included only two employees since February 5, 2014. After one of those employees took another job, the employer determined it no longer needed that position and delimited the position effective

March 1, 2019. The union agrees that only one position remains in the bargaining unit. Consequently, the bargaining unit is inappropriate under RCW 41.80.070 and WAC 391-35-330. The bargaining unit is officially dissolved through this order.

ORDER

The bargaining unit of employees in the electronic pre-press specialist, assistant pre-press supervisor, and electronic pre-press technician job classifications represented by the union is no longer an appropriate bargaining unit under RCW 41.80.070 and WAC 391-35-330. The bargaining unit is hereby dissolved.

ISSUED at Olympia, Washington, this 22nd day of July, 2019.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



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 07/22/2019

DECISION 13041 - PSRA has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

BY: DEBBIE BATES

CASE 131888-C-19

EMPLOYER: WASHINGTON STATE DEPARTMENT OF ENTERPRISE SERVICES

REP BY: FRANKLIN PLAISTOWE  
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PARTY 2: COMMUNICATIONS WORKERS OF AMERICA LOCAL 37082

REP BY: BRAD SHERMAN  
COMMUNICATIONS WORKERS OF AMERICA LOCAL 37082  
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SEATTLE, WA 98102-4943  
guild37082@gmail.com

**From:** [Heidi Mancia](#)  
**To:** [PERC, Filing \(PERC\)](#)  
**Cc:** [Scott Clifthorne](#); [Sarena Davis](#); [Eamon McCleery](#); [Thompson, Haley \(DES\)](#)  
**Subject:** Teamsters Local Union No. 117 Representation Petition - WA State Printer (DES) - Electronic Prepress Specialist (Our File 1082- 3776)  
**Date:** Thursday, August 8, 2019 3:47:55 PM  
**Attachments:** WA State Printer (DES) 19-21 CBA.pdf  
PERC RP Petition + COS.pdf  
131888-C Decision, Order Clarifying Bargaining Unit.pdf  
**Importance:** High

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Greetings,

Attached are the following items for the above referenced group:

1. Representation Petition & Certificate of Service
2. WA State Printer (DES) 2019-2021 Collective Bargaining Agreement
3. PERC Case 131888-C-19 – Order Clarifying Bargaining Unit dissolution

If you have any questions, please do not hesitate to contact our office. Thank you!

Thank you,

**Heidi Mancia | Paralegal | Contracts Office**

Teamsters Local Union No. 117

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***We build unity and power for all working people to improve lives and lift up our communities. This is our Union.***

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Teamsters Local Union No. 117 Confidentiality Statement

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