

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
)	
GRADUATE STUDENT EMPLOYEE ACTION)	
COALITION, UAW)	CASE 16288-E-02-2699
)	
Involving certain employees of:)	DECISION 8315 - PECB
)	
UNIVERSITY OF WASHINGTON)	DIRECTION OF ELECTION
)	
)	

Theiler Douglas Drachler and McKee, by Paul Drachler, Attorney at Law, for the petitioner.

Christine Gregoire, Attorney General, by Judy Mims, Assistant Attorney General, and Summit Law Group by Otto G. Klein III, Attorney at Law, joined by Kristen D. Anger, Attorney at Law, on the brief, for the employer.

On March 14, 2002, the Graduate Student Employee Action Coalition, UAW (union) filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission under Chapter 391-25 WAC, seeking certification as exclusive bargaining representative of certain student/employees of the University of Washington (employer). An investigation conference was conducted on May 1 and 9, 2002, at the employer's campus in Seattle, Washington. An investigation statement issued on May 13, 2002, set forth issues for hearing, as follows:

- a. The parties could not stipulate that a question concerning representation exists because the employer reserved its stipulation concerning the showing of interest. The employer questions the sufficiency of the showing of interest because the cards were, for the most part, gathered prior to the effective date of the enabling legislation.

- b. The parties did not stipulate to the definition of an appropriate bargaining unit. While both parties stated an acceptance of a "one sixth of employment" standard to determine regular part-time status, the employer wishes to apply that test in a 40 hour per week model, and the [union] wishes to use a 20 hour per week standard.
- c. The parties could not agree on a way to define a "continuing expectation of employment". The employer wants to analyze the working relationship using all four academic quarters, while the [union] wants to use three quarters ([Autumn], Winter and Spring) as a way to analyze a regular work year.
- d. The parties did not agree on a final disposition for individuals serving as Research Associates. The [union] believes that most "RA's" should be eligible for unit inclusion, while the employer believes that most of the RA's must be excluded under terms of the enabling legislation.
- e. The parties could not agree on how to deal with instances where individuals held multiple employment positions, particularly if some of those positions involved RA duties.
- f. The parties could not stipulate to a final eligibility list for the proposed bargaining unit.

Hearing Officer Kenneth J. Latsch conducted a formal hearing on 17 days between June and December of 2002, and the transcript of those proceedings fills 2,645 pages.¹ The parties filed briefs on February 18, 2003. The union filed a reply brief on March 3, 2003.

The Executive Director rules that: (1) the full-time standard for the student/employees involved in this proceeding is 20 hours per week for the normal academic year (autumn, winter and spring

¹ The hearing dates were: June 19, July 12, July 18, July 19, July 25, August 1, September 5, September 6, September 18, September 19, September 20, October 17, October 21, October 29, October 31, November 1, and December 4, 2002, constituting the longest hearing process in the 28-year history of the Commission.

