

2/28/2024

Vice President Parkes,

Thank you for your response on February 16th to our letter reiterating our request for voluntary recognition. We appreciate you explaining the University's two reasons for wanting to decline our request for recognition. We believe that it's helpful to have these issues clearly laid out, and that there's a path forward to make sure that both of our concerns are addressed.

We think it's important to be clear that legislation establishing a right to bargain, the process for seeking recognition of a union, and the rules that govern bargaining are *not* necessary prerequisites to Western recognizing a unit of OSEs.

Employees' Right to Choose a Bargaining Representative

First, we'd like to start by addressing the second issue that you raised: the University's concern that employees must have the right to choose their bargaining representative. We agree that eligible employees should be able to exercise their choice in collective bargaining, and that in order to extend voluntary recognition, you should be satisfied that the union has majority support of the eligible employees in the OSE bargaining unit. This is all that PERC requires of you to extend voluntary recognition.

As you are aware, PERC has compared OSE authorization cards with the list of employees that you provided pursuant to the representation petition we filed in December, and found a showing of interest that OSEs chose the Union to be its exclusive bargaining representative. Although PERC is not required to find a majority for the showing of interest, it is the case that the majority of OSEs currently working at WWU have expressed their desire to be represented by WAWU-UAW by signing union authorization cards. Card check procedures are statutorily recognized ways to help verify majority status, and there are a number of ways to conduct those procedures. As part of the voluntary recognition agreement process, the parties can and will reach agreement on how best to confirm that a majority of OSEs have authorized the union to represent them in collective bargaining with the University. The parties can agree that a neutral party run an independent card check, using the same procedures and rules administered by the Public Employment Relations Commission pursuant to WACs and RCW 41.56. We know there are a number of independent organizations in our community that we can mutually work with to conduct such a check. As card checks are statutorily recognized in 41.56 as a way for higher education public sector employees to exercise their choice in exclusive bargaining representation, the card check process addresses your concerns about the rights of employees to participate in the choice of

selecting their exclusive bargaining representative. We are happy to provide a list of potential mediators that we could mutually agree on when ready. We look forward to formally verifying our majority support!

The University's Ability to Recognize WAWU OSEs as an Appropriate Unit

To address your first issue of concern in your letter: we agree that an employer can voluntarily recognize a union representing an appropriate bargaining unit of eligible employees, and we disagree that is not the circumstance here. All public (and private) sector workers in Washington State have a right to collectively organize around their working conditions and collectively bargain with an employer willing to recognize them as an appropriate unit. It is not a requirement that a collective bargaining statutory framework exist for two parties--a group of employees and an employer--to engage in collective bargaining. We are not asking the University to unilaterally define the scope of the bargaining relationship. The parties, not the legislature or the employer, will define their collective bargaining relationship together, including the rules that govern the bargaining process between them and how the unit is defined. PERC acknowledges that the law, RCW 41.56, gives the parties the authority to do so. After the University agrees to recognize the union, then the Union and the University will meet to discuss and agree on the scope of our relationship moving forward. This has been done historically for decades at Washington State public employers, including with the faculty union at Eastern Washington University. We are asking the University to voluntarily recognize the OSEs so the parties can begin this process together.

As part of the voluntary recognition process, the University and the Union can and will collectively define the appropriate unit. The bargaining unit description in the representation petition we filed closely mirrors proposed SB 5895. The fact that WWU supported this legislation, and also submitted a list of names to PERC pursuant to this description, indicates that the University also understands the description and doesn't dispute it. Although we do not agree that Computer Assistants at the STC should be included on the list pending the decision on the ESE representation petition, we do not dispute either that professional staff and 41.80 employees are non-student employees, or the remainder of the University's list. We believe the parties can easily reach agreement on the eligible employees during the voluntary recognition process.

We believe that with the University and the Union working in good faith, all of these concerns are resolvable. We look forward to the University agreeing to work with us on a collective voluntary recognition agreement.

If you have questions or concerns, we would be available to meet at the following days and times:

Tuesday, March 5th: 12-1pm
Thursday, March 7th: 12-2pm
Friday, March 8th: 12-2pm
Tuesday, March 12th: 12-2pm
Thursday, March 14th: 12-2pm
Friday, March 15th: 12-2pm

Best,

The WAWU Operational Student Employee Organizing Committee