

COMPLAINANTS STATEMENT OF FACTS AND REQUESTED REMEDIES

Statement of Facts:

1. In the collective bargaining agreement (CBA) between the International Federation of Professional and Technical Engineers Local 17 (Union) and Skagit County (County), the parties have agreed that employees working in the Department of Health who work 35 hours or more per week are considered full-time and therefore do not pay a pro-rata share of their health care.
2. Specifically in the CBA, Section A.1.1 a) defines a regular full-time employee as, "An employee working a regular schedule of 35 hours per week or 40 hours per week." and Section A.1.1 b) defines a regular part-time employee as, "An employee working a regular schedule of at least 17.5 hours, but less than 35 hours per week." Therefore, a regular full-time employee is an employee who works 35 hours or more per week.
3. Article 5 of the CBA provides for health care and section 6.1 of the County Policies and Procedures manual states that "regular part-time" employees pay for health care on a pro-rated basis but neither the CBA or the manual requires regular full-time employees to pay a pro-rata share of their benefits.
4. Therefore, in the Health Department, because a part-time employee is defined as someone who works less than 35 hours, an employee does not pay a pro-rated share of their benefits unless they are working less than 35 hours.
5. The CBA goes on to state in Section A.1.2, "The workweek shall be thirty-five (35) or forty (40) hours per week, except as agree by both parties, for regular full time employees." This language requires that an employee either work a 35 or a 40 hours schedule, unless otherwise agreed, but as we have established above an employee is only regular part-time if they are working less than 35 hours per week. So the parties may agree to a schedule that is different from a 35 or 40-hour schedule but if they do so the employee pays a pro-rated share of their benefits if their schedule is less than 35 hours per week. This language allows for flexible schedules outside of the 35 or 40 hours structure but does not redefine the definition of part-time or full-time.
6. A.1.2 a) of the CBA goes on to state, "The workweek for regular part-time employees shall be based on either a 35 or 40 hours workweek, and shall not be less than 50% of the work-week of a regular full-time employee." This language is stating that a "part-time" employee can either be based on 35 hours workweek or based on a 40 hours workweek. This section in no way applies to an employee working a regular full-time schedule of 35 hours or more per week. This language allows the employer to pro-rate an employees benefits when they are working less than 35 hours a week based on either a 35 hours FTE or based on a 40 hours FTE but, again, does not affect employees working 35 hours or

more a week.

7. On December 11, 2009 Lorna Parent, Environmental Health Specialist working in the County Health Department, was notified that if she reverted back to a 35-hours a week schedule from her then 40 hours a week schedule she would be required to pay a pro-rated share of her benefits. When Parent worked a 35 hours a week schedule in the past she was not required to pay a pro-rata share of her benefits. As a result, Parent withdrew her request and filed a grievance on December 17, 2009. After a Union information request on Parent's behalf the Union discovered that another member of the bargaining unit, Debora Chevarria, was also required to pay a pro-rated share of her benefits without the knowledge of the Union. All other employees in the bargaining unit who work 35 or more hours per week are not required to pay a pro-rata share of their benefits in accordance with the CBA.
8. In this CBA the last step of the grievance process is the Commissioners, who delegate to the County Administrator to make a decision, and does not provide for Arbitration. The Union exhausted the grievance procedure and the County has denied the grievance. We now ask that PERC maintain status quo.

Remedy Requested:

1. County cease and desist from:
 - a. Withholding from bargaining unit members who work 35 hours or more a pro-rated share of their benefits.
 - b. In any other manner interfering with, restraining or coercing its employees in the exercise of their collective bargaining rights secured by the laws of the state of Washington.
2. Take the following action to effectuate the purposes and policies of Chapter 41.56 RCW:
 - a. Restore the status quo ante by reinstating the wages, hours and working conditions, which existed for the employees in the affected bargaining unit prior to the unilateral change.
 - b. Reimburse County employees who are members of the bargaining unit for past wages lost due to their paying a pro-rated share of their benefits.
 - c. Reimburse County employees who are members of the bargaining unit working 35 hours or more for their portion of insurance premiums paid due to the employer not maintaining 100 percent employer-paid insurance premiums for regular full time employees working 35 or more hours per week.