STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 925, Complainant, vs. UNIVERSITY OF WASHINGTON, Respondent.	CASE 141275-U-24c DECISION 14174-A - PECB DECISION OF COMMISSION

Amy Bowles and *Jacob Metzger*, Attorneys at Law, Douglas Drachler McKee & Gilbrough, for the Service Employees International Union Local 925.

Kelly Oshiro, Assistant Attorney General, Attorney General Nicholas W. Brown, for the University of Washington.

SUMMARY OF DECISION

The essential issue before the Commission is whether the University of Washington (UW) altered the dynamic status quo, contrary to WAC 391-25-140(2), when it excluded employees from its merit pay increase process who were covered by two petitions filed by the Service Employees International Union Local 925 (SEIU). The Hearing Examiner concluded that the merit pay increases were part of the dynamic status quo and that the UW interfered with employee rights in violation of RCW 41.56.045(1).[1] We agree with the Hearing Examiner with respect to one department of the UW but disagree and reverse his findings regarding all other departments. While the UW had determined an overall salary increase pool, it had not determined the amount of increase each employee would receive by the date of the filing of the petitions. Thus, when the

[1] After the complaint was filed and the Examiner's decision was issued, the Washington State Legislature enacted Senate Bill 5435 which reorganized and renumbered chapter 41.56 RCW. All references to chapter 41.56 RCW will be to the renumbered sections.

petitions were filed, the amount of the increases were not definite, and the UW retained discretion over the amount of increase. The increases were therefore not part of the dynamic status quo. The exception is the School of Medicine, in which the amounts of the merit pay increase were announced prior to the filing of the petitions.

BACKGROUND

The Representation Petitions

On June 28, 2024, the SEIU filed two petitions seeking to represent professional staff at the UW. In one petition, the SEIU sought to represent a bargaining unit of employees who are employed at the Curriculum College.[2] The Executive Director certified the SEIU as the exclusive bargaining representative of professional employees of the continuum college in an interim certification on September 19, 2024, and in a final certification on June 25, 2025. *University of Washington*, Decision 13958 (PECB, 2024); *University of Washington*, Decision 13958-A (PECB, 2025). In the second petition, the SEIU sought to represent advising professional staff employees.[3] In an interim certification, the Executive Director certified the SEIU as the exclusive bargaining representative of advising employees on July 11, 2025. *University of Washington*, Decision 14159 (PECB, 2025).

Merit Pay

The professional staff program at the UW addresses employment conditions and policies for nonacademic staff who meet certain criteria and are not represented for purposes of collective bargaining.[4] Unrepresented professional staff can receive a salary increase through different methods including merit pay increases, in-grade salary adjustments, position reviews, or hiring

---

[2] Case 139167-E-24; Joint Exhibit (Ex.) 15.

[3] Case 139166-E-24; Joint Ex. 15.

[4] Employer Ex. 7.

into a new position.[5] Wage increases for professional staff are not automatic.[6] All salary increases require approval of the appropriate dean or vice president and the Human Resources Compensation Office (Compensation).[7]

Merit pay increases occur almost annually.[8] Since 2018, the only year that the UW did not provide merit pay increases was Fiscal Year (FY) 2021. Generally, the Board of Regents authorizes a salary increase pool of money for the upcoming fiscal year, and the UW undertakes a process to determine how to distribute that salary increase pool to eligible individual employees through merit pay increases. The amount of the salary increase pool varies by year.[9]

Compensation is responsible for oversight of the merit pay increase process.[10] Executive Director of Compensation Amy Junglov explained the process her department used for the increases at issue. Consistent with previous years, Compensation began planning for the FY 2025 merit process in January 2024,[11] before the Board of Regents authorizes the budget. Compensation eventually publishes an updated Professional Staff Program Guide and the Merit & Faculty Unit Adjustment Process Guide (merit process guide).[12] This guide establishes the criteria and parameters for merit pay increases in that fiscal year. Departments cannot make decisions that are

---

5 Employer Ex. 7 at 3 and 4; Transcript (Tr.) 204:8–13.

6 Employer Ex. 7; Tr. 204:5–7.

7 Employer Ex. 7 at 3.

8 Union Ex. 28.

9 Tr. 212, Union Ex. 28 at 1.

10 Tr. 203:1–3.

11 Tr. 263:22–25; 220:21–22; 220:25–221:4.

12 Tr. 220:25–221:4; 203:22–204:4; Employer Ex. 7; Joint Ex. 5, 7, and 14.

outside of the criteria provided by Compensation.[13] Compensation retains final approval over departmental recommended merit pay increases.[14]

Fiscal Year 2025 Merit Pay Timeline

For FY 2025, the merit planning process began on January 16, 2024, when UW President Ana Mari Cauce and Provost and Executive Vice President Tricia Serio sent an email explaining that the UW anticipated a 3 percent merit pool for professional staff employees.[15] On April 16, 2024, the Executive Office of the President and Provost sent a letter to the Deans, Chancellors, Vice Presidents, and Vice Provosts at each of the UW's campuses.[16] The letter notified leaders that, subject to final approval by the Board of Regents, campuses were given "authorization for 2024-25 (FY25) compensation increases for . . . professional staff."[17] The letter authorized "a total 3% salary increase pool" and an effective date of September 1, 2024.[18] All eligible meritorious professional staff "may receive an increase of between 0.5% and 10%, provided the average across the unit's professional staff population does not exceed 3%."[19]

On April 23, 2024, Compensation published the first merit process guide.[20] The merit process guide provided a timeline for the merit process.[21] This guide identified August 16 as the date by which departments were required to submit their recommended increases for each

---

13 Tr. 270:25–271:3; 369:25–370:5.

14 Joint Ex. 5.

15 Joint Ex. 1; Joint Ex. 15 ¶ 5; *University of Washington*, Decision 14174 (PECB, 2025) Finding of Fact (FF) 6.

16 Joint Ex. 2–4; Joint Ex. 15 ¶ 6; Decision 14174 at FF 6.

17 Joint Ex. 2–4; Joint Ex. 15 ¶ 6; Decision 14174 at FF 6.

18 Joint Ex. 2–4; Joint Ex. 15 ¶ 6; Decision 14174 at FF 6.

19 Joint Ex. 2–4.

20 Joint Ex. 5.

21 Joint Ex. 5 at 1, 7 at 1-2, and 14 at 1-2.

employee, September 1 as the date by which Compensation would approve or disapprove the recommendations, and September 3 as the date by which the final decisions were announced to the departments.[22] The merit process guide included a list of job profiles excluded from the merit process.[23] At that time, the employees that were later the subject of the SEIU's petitions were included as employees eligible for merit increases.

The merit process guide defined eligibility of individual employees for merit pay increases. A professional staff employee was precluded from receiving a merit pay increase in FY 2025 if they were hired after March 31, 2024; they received a salary increase equal to or greater than 10 percent as a result of an in-grade adjustment; they received a position review with a salary increase; or they were scheduled to retire or had resigned by September 1, 2024. In addition, to receive a merit pay increase, a professional staff employee must have a performance evaluation on file.

Compensation updated the merit process guide on July 29, 2024,[24] and on September 4, 2024.[25] The dates of August 16, for department submissions, and September 3, for notification of final decisions, did not change.[26] The July 29 merit process update stated that the employees included in the SEIU's June 28 petitions were not "merit eligible."[27]

On June 13, 2024, the Board of Regents approved a budget that included funding for merit pay increases to professional staff salaries by 3 percent, effective September 1, 2024.[28] As detailed

---

22 Joint Ex. 5 at 1.

23 *Id.* at 5–6; 7 at 5–7; and 14 at 6–7.

24 Joint Ex. 7

25 Joint Ex. 14.

26 *Id.*at 1–2.

27 Joint Ex. 7 at 1; Joint Ex. 8; Tr. 324–325.

28 Joint Ex. 6 and 15 ¶ 8; Decision 14174 at FF 6.

in the merit process guide and the April 16, 2024, letter, departments had discretion, within the 0.5 to 10 percent range, to determine how much of a merit pay increase to provide employees.

Departments took various approaches to granting merit pay increases. Erin Alexander, the School of Medicine Human Resources Director, explained that the dean of the School of Medicine decides if the merit will be pooled or a set percentage.[29] During Alexander's tenure, individual merit pay increases have been either zero or the average of the merit pool.[30] On May 8, 2024, the School of Medicine notified its departments that eligible professional staff would receive a 3 percent merit increase on September 1, 2024.[31]

The School of Educational Studies at the UW of Bothell granted all professional staff in its unit the same increase.[32] In contrast, the School of Social Work takes a different approach.[33] Vicki Anderson-Ellis, the Assistant Dean of Finance and Administration for the School of Social Work, explained supervisors may determine the amount of merit pay, between 0.5 and 10 percent, so long as the average is 3 percent in the unit.[34] The size of merit increases in the School of Social Work "is all over the place."[35]

Between the filing of the SEIU's representation petitions on June 28, 2024, and the deadline for department submissions on August 16, 2024, the SEIU and the UW agreed to remove certain classifications of employees from the petitions. Once these classifications were removed,

---

29 Tr. 336:13–17.

30 Tr. 336:18–21.

31 Tr. 337–340; Employer. Ex. 23 at 7.

32 Tr. 112:8–13; Tr. 113:3–11.

33 Tr. 356:21–357:25.

34 Tr. 356:22–25.

35 Tr. 361:8–19.

the UW again included them in the merit pay increase process. The employees who were released from the representation petition received increases ranging from 2 to 10 percent.[36]

The Examiner's Decision

The Examiner determined that merit pay directly related to wages and was a mandatory subject of bargaining. Decision 14174 (PECB, 2025) at 10–11. The Examiner concluded that merit pay increases were part of the dynamic status quo when the SEIU filed the representation petitions. *Id.* at 11–13. Eligible employees were included when the UW adopted a budget for a 3 percent merit pay increase pool and issued a process guide for applying merit pay. *Id.* at 11. The key aspects of the UW's discretion were exercised before the petition was filed. *Id.* at 12. Although department heads had not determined the merit pay increases for individual employees when the SEIU filed the petitions, the Examiner concluded that that remaining discretion was insufficient to remove merit pay from the dynamic status quo. *Id.* at 12–13. A planned change need not be completed to be part of the dynamic status quo. *Id.* at 13 (citing *King County*, Decision 6063-A (PECB, 1998). The process guide provided parameters for merit pay. Decision 14174 at 13. The Examiner concluded that the UW interfered with employee rights when it withdrew merit pay increase consideration from the advising and Continuum College employees after the SEIU filed petitions to represent those employees. *Id.* at 13.

To remedy the violation, the Examiner ordered the standard remedy. *Id.* at 14. To make employees whole, the Examiner ordered the UW to retroactively apply a 3 percent merit pay increase to all affected employees who were otherwise eligible and not precluded from a merit pay increase. *Id.* The order for retroactive pay did not include an order for interest.

The UW filed a timely appeal but did not file its appeal brief by the due date. There are two issues before the Commission. First, should the Commission grant the UW's request to accept

---

[36] Union Ex. 30.

its late appeal brief? Second, did the UW interfere with employee rights when it did not grant professional staff employees merit pay increases after the SEIU filed the representation petitions?

ANALYSIS

The University of Washington's Appeal Brief Is Stricken as Untimely

"The due date for any appeal brief that the party filing an appeal or cross-appeal desires to have considered by the commission is 14 days following the filing of its notice of appeal or notice of cross-appeal." WAC 391-45-350(6). On August 14, 2025, the UW filed a timely appeal. The UW's appeal brief was due on August 28, 2025. On September 2, 2025, the UW filed an appeal brief. Subsumed in the appeal brief was a request for the Commission to "exercise its statutory discretion to waive the deadline and accept" the UW's untimely brief.[37] The same day the UW filed its late brief, the SEIU filed a motion to strike the UW's appeal brief. The UW filed a response brief. The SEIU filed a reply brief.[38]

A request for an extension "may only be considered if made by the date the brief is due." WAC 391-45-350(8); *Kitsap County*, Decision 12163-A (PECB, 2015). Accordingly, to be considered, the UW's request for an extension had to be filed by August 28. Since that was not done, the rule precludes consideration of the request for extension.

Additionally, requests for extensions of time must comply with WAC 391-08-180. That rule requires a request for extension to "state whether or not all other parties agree to the continuance." WAC 391-08-180(2). The UW's request did not do so.

The UW has also requested that we waive the requirements for timely filing of the brief and the request for extension. WAC 391-08-003 provides that the "agency may waive any requirement of the rules unless a party shows that it would be prejudiced by a waiver." While the

---

[37] Employer Appeal Brief at 2.

[38] On September 15, 2025, the Executive Director informed the parties by email that the Commission would grant the SEIU's motion.

SEIU has not shown that any actual prejudice would result from granting the waiver, the "absence of prejudice does not mandate a waiver; it is a necessary condition for waivers but not sufficient by itself." *Sound Transit*, Decision 13992-A (PECB, 2025). Here, the UW has not demonstrated that it would effectuate the purposes and provisions of the statute to grant the waiver. Our authority to grant a waiver is narrowly construed and generally only used when a party relies on agency statements, the agency's rules are unclear, or other important statutory principles are at play. *Id.* An inadvertent calendaring error does not qualify, especially when it does not appear that the UW contacted the SEIU to negotiate an extension. We decline to waive the requirements.

The UW's appeal brief is hereby stricken. Accordingly, we have not considered the UW's appeal brief.

Standard of Review

On appeal, the Commission reviews findings of fact to determine if they are supported by substantial evidence, and, if so, whether those findings in turn support the Examiner's conclusions of law. *C-TRAN (Amalgamated Transit Union, Local 757)*, Decision 7087-B (PECB, 2002). The Commission reviews conclusions and applications of law, as well as interpretations of statutes, *de novo*. *City of Wenatchee*, Decision 8802-A (PECB, 2006).

The Commission reviews findings of fact for substantial evidence in light of the entire record. *Wapato School District*, Decision 12894-A (PECB, 2019). Substantial evidence exists if the entire record contains evidence of sufficient quantity to persuade a fair-minded, rational person of the truth of the declared premise. *City of Vancouver v. Public Employment Relations Commission*, 107 Wn. App. 694, 703 (2001); *C-TRAN (Amalgamated Transit Union, Local 757)*, Decision 7087-B. A party assigning error has the burden of showing a challenged finding is in error and not supported by substantial evidence; otherwise, findings are presumed correct. *Renton Technical College*, Decision 7441-A (CCOL, 2002) (citing *Fisher Properties, Inc. v. Arden-Mayfair, Inc.*, 115 Wn.2d 364 (1990); *Brinnon School District*, Decision 7201-A (PECB, 2001)). Unchallenged findings of fact are verities on appeal. *City of Vancouver v. Public Employment Relations Commission*, 180 Wn. App. 333, 347 (2014); *Brinnon School District*, Decision 7210-A.

The UW appealed findings of fact 7, 8, and 9; conclusion of law 2;[39] and the order. Findings of fact 7, 8, and 9 are supported by substantial evidence. The UW and the SEIU entered stipulated facts.[40] Many of the facts in the decision are based on these stipulations. The stipulated facts are also supported by the record. Therefore, the facts of the appeal are largely undisputed. The issue before the Commission is an application of law.

The University of Washington Did Not Alter the Status Quo After the SEIU Filed Its Representation Petition.

After the SEIU filed the representation petitions on June 28, 2024, the UW could not change the status quo on employee wages, hours, and terms and conditions of employment during the pendency of the petitions. WAC 391-25-140(2); *City of Seattle*, Decision 9938-A (PECB, 2009); *King County*, Decision 9039 (PECB, 2005). Merit pay increases are wages, and wages are a mandatory subject over which parties are required to bargain. RCW 41.56.030(4); *See NLRB v. Katz*, 369 U.S. 736, 745-46 (1962) (finding merit increases to be a mandatory subject of bargaining). As the complainant, the SEIU bears the burden of proving that the merit increases were part of the dynamic status quo. WAC 391-45-270(1)(a).

Our cases recognize that the status quo is not limited to only those terms fixed in place when a representation petition is filed. *Central Washington University*, Decision 10967-A (PECB, 2012). If a decision has been made to change wages, hours, or working conditions on a date before the petition is filed, then that change is part of the "dynamic status quo." *Adams County*, Decision 7961 (PECB, 2003). The dynamic status quo is set in motion when an employer makes a "decision to which it is bound and at which point it no longer has discretion." *Central Washington University*, Decision 10967-A (PECB, 2012). That decision must be final and by the authorized decision-maker; a preliminary decision is not part of the dynamic status quo. *See King County Library System*, Decision 9039 (PECB, 2005) (finding a preliminary budget including a general

---

[39] The notice of appeal identified conclusion of law 1. However, the notice of appeal included the language from conclusion of law 2.

[40] Joint Ex. 15.

wage increase was not part of the dynamic status quo because the employer retained discretion until the final budget was approved). Where the employer has scheduled a change, communicated a change to employees, the employees expect change, and the employer can no longer change its decision, then the decision is part of the status quo. *Washington State Language Access Providers*, Decision 13355-A (PECB, 2021) (finding a delay in the implementation of a new scheduling system, which was adequately communicated and explained, did not remove the decision from the status quo), *aff'd*, Decision 13355-B (PECB, 2022).

The application of the dynamic status quo has often focused on the differences between fixed step increases and annual cost of living increases. *Snohomish County*, Decision 1868 (PECB, 1984); *Snohomish County Fire Protection District 3*, Decision 4336 (PECB, 1993), *aff'd*, Decision 4336-A (PECB, 1994). The Commission generally finds fixed step increases to be part of the dynamic status quo because the amount and timing have been predetermined, and the employer lacks any element of discretion in granting the raise. *Snohomish County*, Decision 1868. In contrast, the Commission typically does not consider general cost-of-living wage increases to be part of the dynamic status quo because they are less concrete, do not follow an established or fixed formula, and allow the employer discretion as to whether to grant the increase at all, and if so, in what amount. *Central Washington University*, Decision 10967-A.

Despite a complicated university-wide compensation process for unrepresented staff, the key facts before us are relatively simple and undisputed. Prior to the filing of the representation petitions, the UW decided to use a salary increase pool concept and the Board of Regents approved a 3 percent salary increase pool. However, the determination of the amount of the increase each individual employee would receive was made after the filing of the representation petitions. The allocation of increases to employees was scheduled for final approval by September 1 and announcement of final decisions on September 3. When the petitions were filed, the UW excluded the covered employees from the merit increase process. Those employees who were later removed from the petitioned-for bargaining units were placed back in the merit increase process. Accordingly, we must decide whether the Board of Regents' decision to authorize a 3 percent

salary increase pool became part of the dynamic status quo or whether the need to determine individual employee increases meant the merit increases were not part of the dynamic status quo.

We conclude that the merit pay increases were not part of the dynamic status quo. The merit pay increase process provided departments with substantial discretion in how to administer the pool, and those decisions had not yet been made. Departments could choose to provide the same level of increase to all eligible employees or to vary the increase based on performance. These decisions require a lot of consideration and do not fall into an already defined result. With this level of discretion, there is no way for the employees to know what increase, within the provided range, to expect. *See generally NLRB v. Katz*, 369 U.S. at 746 (stating that if an employer retains discretion, then a union cannot know whether there has been a substantial departure from past practice). Employees' expectations about a change are tied to the details of the planned change. In the case before us, the UW's policies communicated that merit pay increases are discretionary. The range provided, 0.5 to 10 percent, is significant. Employees would not learn of their increase until after it had been allocated by the department in August and subsequently approved by Compensation. While employees could reasonably expect to receive some amount of increase if they were deemed meritorious, they could not expect any specific increase. Accordingly, the UW had not fully exercised its discretion when the SEIU filed the representation petition.

Our decision is also consistent with the purposes of WAC 391-25-140(2). That rule establishes the status quo as of the date of a petition in order to prevent interference, coercion, or undue influence during the representation proceedings. By limiting the dynamic status quo to decisions already made that can be expected by employees, we preserve a fair election process. Allowing an employer to make individual decisions about the increases employees will receive during the election process runs counter to that goal.

The parties presented evidence about how departments administered the merit pay increases. The testimony presented by the SEIU showed that some departments adopted an all-or-nothing approach. The testimony presented by the UW showed that at least one department used the discretion granted to it to vary the amount of merit pay increases provided to employees.

Finally, the documentary evidence in response to the SEIU's subpoena showed that merit pay increases, including those given to employee released from the petition, varied within the allotted range. This variation among departments as well as among individual employees demonstrates that the UW retained discretion to determine the amount of merit pay increases after the SEIU filed its representation petitions.

We disagree with the Examiner that this case is analogous to *Valley View Sewer District*, Decision 8963 (PECB, 2005). In *Valley View Sewer District*, the employer passed a budget fixing salary increases for 2003, 2004, and 2005, before the union filed the representation petition. After the union was certified and the parties began negotiations, the employer did not provide the employees with the 2004 salary increase. Both the employer in *Valley View Sewer District* and the UW had budgeted, approved, and announced the effective date for the increases before the representation petitions were filed. Unlike the UW, which retained final discretion as to the amount of an increase an employee would receive after the SEIU filed its representation petition, the employer in *Valley View Sewer District* had exercised its discretion over the wage increases when the union filed its petition and the 2004 cost-of-living increase was part of the dynamic status quo. In *Valley View Sewer District*, the increase was fixed and known to the employees before the union filed the representation petition. In contrast, in this case, the increase was variable and not fixed before the SEIU filed the representation petitions.

The remedy ordered by the Examiner helps demonstrate that the merit pay increases should not be included in the dynamic status quo. The Examiner ordered the UW to provide a 3 percent increase to all affected employees. However, not all eligible employees in the pool received a 3 percent increase, and that remedy would not be consistent with what would have happened if the merit increases for petitioned-for employees had been implemented. Indeed, contrary to the statement of the Examiner, employees that were released from the petition and reinstated to the salary increase pool did not all receive a 3 percent increase.[41]

---

[41] Union Ex. 30.

There is one exception to the above analysis. Although the SEIU has not met its burden of proof that the UW's decisions about the merit pay increases became part of the status quo before the petitions were filed, the SEIU has met its burden of proof with respect to the School of Medicine within the UW. On May 8, 2024, the School of Medicine notified its department chair, vice-chair, and directors and administrators that "it has been decided that all professional staff members who are determined to be meritorious and are not otherwise precluded will receive a 3% merit increase effective September 1, 2024."[42] This decision was then incorporated into another communication to the same leadership in the School of Medicine on June 17, after the Board of Regents approved the salary increase pool.[43] Accordingly, before the SEIU filed its petition to represent the advising employees in the School of Medicine, the School of Medicine had decided how the pool would be allocated and eliminated any further discretion in determining the increases.[44] The SEIU has therefore met its burden of proof that the UW modified the dynamic status quo by not providing the 3 percent pay increase to petitioned-for advising employees in the School of Medicine.[45]

CONCLUSION

Before the SEIU filed its representation petition, the UW set discretionary merit pay increases in motion. Except within the School of Medicine, the decision about the amount of merit pay increase an individual employee would receive had not been exercised when the SEIU filed

---

42 Employer Ex. 23 at 7.

43 *Id.* at 1.

44 Although the School of Educational Studies at the UW Bothell also provided the same 3 percent increase to all eligible employees, there is no evidence that such a decision was made and communicated to employees before the filing of the petitions.

45 We recognize that our conclusion results in differing treatment of employees within the petitioned-for unit. However, that variation results from the UW's delegation of authority to departments about how to allocate increases and is consistent with our precedent of including predetermined changes in the dynamic status quo. Given the university-wide scope of the unit, there may well be other working conditions that apply to advising employees in some departments and not others.

the representation petitions. Accordingly, the decision to provide merit pay increases was not part of the dynamic status quo. On this basis, we reach the following conclusions:

1. The UW did not unlawfully modify the status quo with respect to the petitioned-for professional staff employees in the Continuum College. We reverse the Examiner on this ground and Case 140160-U-24 shall be dismissed.
2. The UW did unlawfully modify the status quo with respect to the petitioned-for advising staff employees in the School of Medicine. The UW did not unlawfully modify the status quo for other advising staff employees in the petitioned-for unit. We affirm the Examiner limited to the School of Medicine and reverse as to all other employees. The remedy for Case 140159-U-24 is set forth below.

ORDER

The findings of fact issued by Examiner E. Matthew Greer are AFFIRMED and adopted by the Commission. Conclusion of law 1 issued by Examiner E. Matthew Greer is AFFIRMED and adopted as the conclusion of law of the Commission. Conclusion of law 2 is VACATED. We substitute and add the following conclusions of law:

2. By its actions described in findings of fact 1–10, the UW did not interfere with employee rights in violation of RCW 41.56.045(1).

3. By its actions described in findings of fact 1–10, the employer interfered with employee rights in violation of RCW 41.56.045(1) by altering the dynamic status quo with regards to merit pay consideration for advising employees in the School of Medicine after the union filed its petitions for representation seeking to represent those employees in new collective bargaining units.

The order issued by Examiner E. Matthew Greer is VACATED. With the exception of petitioned-for employees of the School of Medicine, the complaints charging unfair labor practice in the above-captioned matters are dismissed. The following order is substituted:

The University of Washington, its officers and agents, shall immediately take the following actions to remedy its unfair labor practices:

1. CEASE AND DESIST from:

   a. Withholding merit pay increase consideration from employees at the School of Medicine who are included in the petitions for representation filed by the Service Employees International Union Local 925 on June 28, 2024.

   b. In any other manner interfering with, restraining, or coercing its employees in the exercise of their collective bargaining rights under the laws of the State of Washington.

2. TAKE THE FOLLOWING AFFIRMATIVE ACTION to effectuate the purposes and policies of chapter 41.56 RCW:

   a. Restore the dynamic status quo by reinstating the wages, hours, and working conditions that existed for the School of Medicine employees included in petition 139166-E-24 prior to the withholding of merit pay increase consideration found unlawful in this order.

   b. Apply a 3 percent merit pay increase, retroactively to September 1, 2024, to all affected employees at the School of Medicine who are otherwise eligible and not precluded from a merit pay increase.

   c. Contact the compliance officer at the Public Employment Relations Commission to receive official copies of the required notice for posting. Post copies of the notice provided by the compliance officer in conspicuous places on the employer's premises where notices to all bargaining unit members are usually posted. These notices shall be duly signed by an authorized representative of the respondent and shall remain posted for 60 consecutive days from the date of initial posting. The respondent shall take reasonable steps to ensure that such notices are not removed, altered, defaced, or covered by other material.

d. Read the notice provided by the compliance officer into the record at a regular public meeting of the Board of Regents of the University of Washington and permanently append a copy of the notice to the official minutes of the meeting where the notice is read as required by this paragraph.

e. Notify the complainant, in writing, within 20 days following the date of this order as to what steps have been taken to comply with this order and, at the same time, provide the complainant with a signed copy of the notice provided by the compliance officer.

f. Notify the compliance officer, in writing, within 20 days following the date of this order as to what steps have been taken to comply with this order and, at the same time, provide the compliance officer with a signed copy of the notice the compliance officer provides.

ISSUED at Olympia, Washington, this 18th day of February, 2026.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

MARK LYON, Chairperson

HENRY E. FARBER, Commissioner

Commissioner Elizabeth Ford did not participate in the consideration or decision of this case.

This order will be the final order of the agency unless a notice of appeal is filed under RCW 34.05.542.

RECORD OF SERVICE

ISSUED ON 2/18/2026

DECISION 14174-A - PECB has been served electronically by the Public Employment Relations Commission to the parties and their representatives listed below. If a mailing address is not provided through E-Filing or previously registered with PERC, case correspondence cannot be mailed and will only be sent via email.

Alyssa Gerchak

BY: ALYSSA GERCHAK

CASE 141275-U-24c

EMPLOYER: UNIVERSITY OF WASHINGTON

REP BY:
BANKS EVANS III
UNIVERSITY OF WASHINGTON
4320 BROOKLYN AVE NE
PO BOX 354960
SEATTLE, WA 98195-4960
BANKSE@UW.EDU

KELLY OSHIRO
OFFICE OF THE ATTORNEY GENERAL
PO BOX 40145
OLYMPIA, WA 98504-0145
KELLY.OSHIRO@ATG.WA.GOV

PARTY 2: SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 925

REP BY:
JACOB METZGER
DOUGLAS DRACHLER MCKEE & GILBROUGH LLP
1215 4TH AVE STE1350
SEATTLE, WA 98161
JACOBM@DDMGLAW.COM

AMY BOWLES
DOUGLAS DRACHLER MCKEE & GILBROUGH LLP
1215 4TH AVE STE 1350
SEATTLE, WA 98161
AMYB@DDMGLAW.COM

SARAH BRIGHT
SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 925
1914 N 34TH ST STE 100
SEATTLE, WA 98103
SBRIGHT@SEIU925.ORG