

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
)	
WASHINGTON STATE COUNCIL OF)	
COUNTY AND CITY EMPLOYEES)	CASE 22040-E-08-3405
)	
Involving certain employees of:)	DECISION 10224 -- PECB
)	
KING COUNTY LIBRARY SYSTEM)	ORDER OF DISMISSAL
)	
_____)	

On October 17, 2008, the Washington State Council of County and City Employees (WSCCCE) filed a petition with the Public Employment Relation Commission seeking to merge three existing bargaining units: 550 members of Local 1857; 11 members of Local 1652-LM; and 373 library pages who are represented by WSCCCE but who are not currently designated as being affiliated with any local.

A letter was mailed on October 24, 2008, asking why the petition should not be dismissed, since it appeared that WSCCCE was requesting a merger of two union locals, and the Commission has no jurisdiction in such matters. The petitioner responded on November 7, 2008, stating that the intent of the petition was to merge bargaining units and that placing the specific local number assigned to the unit was an attempt to describe the bargaining units in a manner that the members were most familiar with.

DISCUSSION

The three bargaining units of King County Library System were organized separately. The first unit organized was the building

and grounds division certified in *King County Library System*, Decision 5691 (PECB, 1996). The second unit consists of a variety of non-supervisory positions certified in *King County Library System*, Decision 7934-A (PECB, 2003). The third unit is comprised of the library pages and was certified in *King County Library System*, Decision 10117 (PECB, 2008). In all three cases, WSCCCE was certified as the exclusive bargaining representative. Subsequent to its certification, WSCCCE assigned Local 1652-LM to represent the building and grounds bargaining unit and Local 1857 to represent the unit of non-supervisory employees. The library page unit has apparently not been designated or assigned a local number. There are currently two separate contracts that exist: one is between the employer and Local 1652-LM covering the building and grounds bargaining unit, and the other is between the employer and Local 1857 covering non-supervisory employees. Both contracts are in effect until December 31, 2009.

The petitioner contends that the petition merely seeks to merge three existing bargaining units it represents and identification of the local numbers is merely a point of clarification for its members.

The assignment of local numbers to bargaining units is an internal union affair. The Commission has a general policy of non-involvement in internal union affairs. This policy can be readily discerned in the precedents of the Commission. Unions are private organizations and when asked to regulate the internal workings of unions, the Commission has taken a "hands off" approach except where bargaining unit members have asserted that union conduct affected the wages, hours, or working conditions of individual employees.

While the Commission may merge bargaining units under WAC 391-25-420, in *Pierce County*, Decision 2209 (PECB, 1985), the Commission found that a merger of two locals of an international union is an internal matter, and not subject to the Commission's jurisdiction.

In *City of Yakima*, Decision 2380 (PECB, 1986), there was an ultimate breach of relationship between WSCCCE, Council 2 and its affiliate Local 87 where both claimed to be the exclusive bargaining representative and therefore entitled to dues checkoff payments from the same bargaining unit. The Commission found that because a schism existed, neither entity was entitled to be accorded status as the incumbent exclusive bargaining representative.

Skagit Valley Hospital, et al., Decision 2509-A (PECB, 1987), later affirmed by the Supreme Court in *Skagit Valley Hospital v. PERC*, 55 Wn. App. 348 (1989), holds that where an independent union affiliates with a national or international organization, bargaining rights may be transferred by means of internal union affairs transactions in which "due process" and "continuity" concerns are satisfied.

In *State - Home Care Quality Authority*, Decision 8241 (PECB, 2003), bargaining rights were to be transferred from one union local to another within the same organization. The petitioning local satisfied "due process" concerns by providing documentation of a ratification vote among all bargaining unit employees which showed a majority of the employees were in favor of the transfer. Subsequently, an amended certification was issued.

A local designated by WSCCCE operates under its constitution which provides that a local shall be affiliated with WSCCCE, Council 2. Once WSCCCE assigned a local number to an existing bargaining unit

and a collective bargaining agreement was signed between the employer and that particular local, the bargaining representative became the individual local. The Commission lacks the jurisdiction to order a merger of Local 1652-LM into Local 1857 and therefore, the petition must be dismissed.

NOW, THEREFORE, it is

ORDERED

The petition for investigation of a question concerning representation filed in the above matter is DISMISSED.

Issued at Olympia, Washington, this 26th day of December, 2008.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



CATHLEEN CALLAHAN, Executive Director

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under WAC 391-25-660.