

Port of Bellingham, Decision 10494 (PECB, 2009)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

INTERNATIONAL ASSOCIATION OF
FIRE FIGHTERS, LOCAL 106

Involving certain employees of:

PORT OF BELLINGHAM

CASE 22499-E-09-3474

DECISION 10494 - PECB

ORDER AMENDING
CERTIFICATION

Robert A. Wilson, Union President, for the petitioner, International Association of Fire Fighters, Local 106.

Halvorson Saunders Willner by *Larry Halvorson*, Attorney at Law, for the employer.

Dennis Partlow, Union President, for the incumbent union, International Association of Fire Fighters, Local 3266.

On June 1, 2009, the International Association of Fire Fighters, Local 106 (IAFF, Local 106) filed a petition with the Public Employment Relations Commission, seeking amendment of the certification issued by the Commission for a bargaining unit of uniformed personnel employed by the Port of Bellingham due to a vote by its members to merge International Association of Fire Fighters, Local 3266 (IAFF, Local 3266) into IAFF, Local 106. In a letter issued on July 20, 2009, the Commission's Representation Coordinator invited the employer to respond to the request made by IAFF, Local 106. To date, there has been no response from the employer.

The Executive Director has reviewed this matter, and concludes that the request for an amended certification of IAFF, Local 106 should be granted.

ISSUE

The sole issue to be determined in this case is whether the bargaining rights should be transferred where a majority of employees voted to merge IAFF, Local 3266 into IAFF, Local 106 pursuant to an internal union election.

APPLICABLE LEGAL PRINCIPALS

The parties to this case are covered under the Public Employees' Collective Bargaining Act, RCW 41.56. The resolution of questions concerning representation under that statute is a function delegated by the Legislature to the Public Employment Relations Commission. RCW 41.56.050 provides:

In the event that a public employer and public employees are in disagreement as to the selection of a bargaining representative, the Commission shall be invited to intervene as is provided in RCW 41.56.060 through 41.56.090.

Voluntary recognition is available under RCW 41.56 (by reverse implication from RCW 41.56.050, permitting the parties to deal with matters themselves if there is no dispute), *Skagit Valley Hospital*, Decision 2509-A (PECB, 1986), *aff'd Skagit Valley Hospital v PERC*, 44 Wn. App. 348 (1989), stand for the proposition that bargaining rights may be transferred by means of internal union affairs transactions in which "due process" and "continuity" concerns are satisfied.

ANAYLSIS

In an order issued by the Commission on January 18, 1990, as *Port of Bellingham*, Decision 3395 (PECB, 1990), IAFF, Local 3266 was certified as exclusive bargaining representative of a bargaining unit described as:

All full-time and regular part-time Port of Bellingham Airport District employees performing fire fighting, rescue, and emergency

medical services; excluding the fire chief, acting fire chief, supervisors, confidential employees and all other employees.

In the absence of any objection from the employer, and the Commission's responsibility to maintain accurate records, the Executive Director concludes that the requested amendment of the previously-issued certification should be granted.

CONCLUSION

Based on the information provided by the petitioner, and in the absence of any objection from the employer, the request for an amended certification is granted.

ORDERED

The International Association of Fire Fighters, Local 106 is substituted for the International Association of Fire Fighters, Local 3266 as exclusive bargaining representative of uniformed personnel employed by the Port of Bellingham.

Issued at Olympia, Washington, on this 3rd day of August, 2009.

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.