

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

INTERNATIONAL ASSOCIATION OF  
FIRE FIGHTERS, LOCAL 726

Involving certain employees of:

CENTRAL PIERCE FIRE & RESCUE  
(PIERCE COUNTY FIRE DISTRICT 6)

CASE 26086-E-13-3834

DECISION 11944 - PECB

ORDER DISSOLVING  
BARGAINING UNIT

On November 7, 2013, the International Association of Fire Fighters, Local 726 (union), filed a representation petition concerning employees in a "Runners" bargaining unit who are employed by Pierce County Fire District 6 (employer). The union came to represent the employees in the Runners job class through a voluntary recognition with the employer. The parties' most recent collective bargaining agreement had a term January 1, 2013 through December 31, 2013. The petition indicated that it sought decertification of the bargaining unit.

Representation Case Administrator Dario de la Rosa contacted the union to inquire about the purpose of the petition. The union indicated that there was one full-time employee in the bargaining unit and two part-time employees. The union also indicated that the part-time employees work on a very limited basis. The union indicated that it was not sure a viable bargaining unit continued to exist. Based upon this information, the employer was then asked through e-mail correspondence to provide the documentation indicating the number of hours the employees in the bargaining unit work.

The employer provided evidence demonstrating that the full-time employees worked 1390 hours in the previous year, while the part-time employees worked 225 hours and 123 hours during the same period. Based upon this information, the Representation Case Administrator informed the

parties that the bargaining unit contained only one full-time employee qualified as a public employee under RCW 41.56.030(11) because the part-time employees did not work one-sixth the hours of the full-time employees as required by WAC 391-35-330. The Representation Case Administrator then informed the parties that unless the parties objected, the bargaining unit should be dissolved because it contained only one employee.<sup>1</sup> Neither party objected.

### DISCUSSION

Collective bargaining, under Chapter 41.56 RCW, is the term used to describe the process whereby employees with a community of interest join together to bargain with their employer as a single bargaining unit over terms and conditions of their employment. Accordingly, the Commission stated, “a one-person unit is inappropriate for collective bargaining.” *Port of Bellingham*, Decision 1570-A (PECB, 1983). The Commission codified this standard in 2001 at WAC 391-35-330: “A bargaining unit cannot be considered appropriate if it includes only one employee.”

Only those employees who qualify as a public employee as defined by RCW 41.56.030(11) may be included in a bargaining unit of public employees. WAC 391-35-350(1) recognizes that in most situations employees who work at least one-sixth the hours of their full-time counterparts should be included in the same bargaining unit.

### Application of Standards

The evidence in this case demonstrates that there is only employee in the Runners bargaining unit that qualifies as a public employee. Under the standards set forth in WAC 391-35-330, only those employees who work one-sixth the hours of the full-time employee can be included in the bargaining unit. The full-time employee worked 1390 hours. Therefore, a part-time employee needed to work at least 231.66 hours to be included in the bargaining unit. Neither part-time employee worked the requisite hours. Accordingly, because there is only one employee that

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<sup>1</sup> Normally, cases concerning bargaining units that contain only one employee are filed as unit clarification petitions. Because a unit clarification petition concerning one employee may be filed at any time under WAC 391-35-020(1)(f), the fact that the union filed a representation petition (as opposed to a unit clarification petition) does not make its petition untimely or invalidate this action.

qualifies as a public employee for purposes of collective bargaining remaining in the bargaining unit, that unit is now inappropriate. The Runners bargaining unit is therefore dissolved.

#### FINDINGS OF FACT

1. Pierce County Fire District 6 is a public employer within the meaning of RCW 41.56.030(12).
2. The International Association of Fire Fighters, Local 726 is a bargaining representative within the meaning of RCW 41.56.030(2).
3. The union represents a bargaining unit of Runners that was voluntarily recognized by the employer.
4. There are three employees who are included in the bargaining unit. One employee works full-time, and two employees work part-time.
5. The full-time employee described in Finding of Fact 4 worked 1390 hours during the previous year. One part-time employee described in Finding of Fact 4 worked 225 hours in the previous year, and the other worked 123 hours.

#### CONCLUSIONS OF LAW

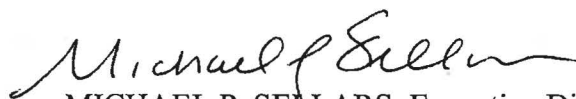
1. The Public Employment Relations Commission has jurisdiction in this matter under Chapter 41.56 RCW and Chapter 391-35 WAC.
2. As described in Findings of Fact 3 through 5, the bargaining unit has only one employee and is no longer appropriate under WAC 391-35-330.

ORDER

The bargaining unit of Runners represented by the International Association of Fire Fighters, Local 726 at the Pierce County Fire District 6 is dissolved.

ISSUED at Olympia, Washington, this 9<sup>th</sup> day of December, 2013.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Michael P. Sellars". The signature is fluid and cursive, with a long horizontal stroke at the end.

MICHAEL P. SELLARS, Executive Director

This order will be the final order of the agency unless a notice of appeal is filed with the Commission pursuant to WAC 391-35-210.



## PUBLIC EMPLOYMENT RELATIONS COMMISSION

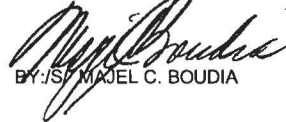
112 HENRY STREET NE SUITE 300  
PO BOX 40919  
OLYMPIA, WASHINGTON 98504-0919

MARILYN GLENN SAYAN, CHAIRPERSON  
THOMAS W. McLANE, COMMISSIONER  
MARK E. BRENNAN, COMMISSIONER  
MIKE SELLARS, EXECUTIVE DIRECTOR

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PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
BY: MAJEL C. BOUDIA

CASE NUMBER: 26086-E-13-03834 FILED: 11/07/2013 FILED BY: PARTY 2  
DISPUTE: MISC QCR  
BAR UNIT: MISCELLANEOUS  
DETAILS:  
COMMENTS:

EMPLOYER: PIERCE FIRE DIST 6  
ATTN: KEITH WRIGHT  
CENTRAL PIERCE FIRE AND RESCUE  
17520 22ND AVE E  
TACOMA, WA 98445

Ph1: 253-538-6400

Ph2: 253-538-6410

PARTY 2: IAFF LOCAL 726  
ATTN: RUSS KARNIS  
PO BOX 726  
PUYALLUP, WA 98371

Ph1: 253- 67-7218