

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petitions of:

TEAMSTERS, LOCAL 58

For clarification of an existing bargaining  
unit of employees of:

CITY OF BATTLE GROUND

CASE 26003-C-13-1571  
DECISION 11933 – PECB

CASE 26091-C-13-1573  
DECISION 11934 – PECB

ORDER AMENDING  
CERTIFICATIONS

The Tedesco Law Group, by *Anil Karia*, Attorney at Law, for the union.

Summit Law Group, by *Sofia Mabee*, Attorney at Law, for the employer.

On October 9, 2013, Teamsters, Local 58 (Teamsters) filed a unit clarification petition seeking to amend two bargaining unit certifications involving employees of the City of Battle Ground (employer). The employees in the bargaining units voted to affiliate and merge the Battle Ground Public Employees Association (BGPEA) into the Teamsters.

The BGPEA currently represents two bargaining units of employees.<sup>1</sup> The first bargaining unit is a clerical bargaining unit which is described as follows:

All full-time and regular part-time clerical staff and communications services officer of the City of Battle Ground, excluding supervisors, confidential employees, and all other employees.

*City of Battle Ground*, Decision 5472 (PECB, 1996).

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<sup>1</sup> The Teamsters initially filed only a single petition. During the course of proceedings, it was determined that two bargaining units represented by the BGPEA were affected by the Teamsters petition. Because each bargaining unit requires a unique decision number for future identification, the agency administratively opened a second case to account for the second bargaining unit.

The second bargaining unit is a public works bargaining unit which is described as follows:

All full-time and regular part-time employees of the City of Battle Ground Public Works Department, excluding supervisors, confidential employees, and all other employees.

*City of Battle Ground*, Decision 7046 (PECB, 2000).

Accompanying the petitions was evidence demonstrating that bargaining unit members did in fact affirmatively vote for the affiliation and merger. The Teamsters' petition also indicated that the employer did not oppose the affiliation vote. The employer has not indicated that it opposed the affiliations.

#### DISCUSSION

When a union seeks to amend a certification due to its affiliation with another labor organization, it must show that its members were provided with due process during the affiliation process. Due process may be satisfied through a vote of the union's membership. *Skagit Valley Hospital*, Decision 2509-A (PECB, 1987), *aff'd*, *Skagit Valley Hospital v. PERC*, 55 Wn. App. 348 (1989).

Generally, this Commission will not reject a union affiliation where the membership has been provided an opportunity to vote. However, an affiliation vote may be overturned due to a lack of "continuity" between the pre- and post- affiliation union. A lack of continuity will exist if the organizational changes to the union have been so extensive that a certified bargaining representative has been displaced by a wholly different organization. *Skagit Valley Hospital*, Decision 2509-A. An affiliation vote may also be overturned if other, more traditional evidence exists that the successor organization lacks majority support. *Skagit Valley Hospital*, Decision 2509-A.

The petitioning labor organization must satisfy due process concerns by providing evidence or documentation that the employees are in favor of the transfer. The employees must be provided

notice of the election, given an opportunity to discuss the matter and allowed to exercise his or her choice in a manner with reasonable precautions to maintain ballot secrecy.

The petition purports only to affiliate and merge the BGPEA into the Teamsters. The leadership structure in existence at the BGPEA remains intact and the negotiated agreements remain in effect. Additionally, the scope of the bargaining units to be represented by Teamsters remains unchanged. Finally, the Teamsters provided a notarized statement demonstrating that the bargaining unit employees were permitted a vote on whether the employees wanted to affiliate and merge with Local 2099 and that 94.1% of the employees supported the merger. Because it readily appears that continuity and due process requirements have been satisfied in this case, the existing certifications are amended.

#### FINDINGS OF FACT

1. City of Battle Ground is a public employer within the meaning of RCW 41.56.030(12).
2. The Battle Ground Public Employees Association (BGPEA) is a bargaining representative within the meaning of RCW 41.56.030(2).
3. Teamsters, Local 58 (Teamsters) is a bargaining representative within the meaning of RCW 41.56.030(2).
4. The BGPEA represents two bargaining units of employees at the City of Battle Ground. The first bargaining unit is a office-clerical bargaining unit which is described as follows:

All full-time and regular part-time clerical staff and communications services officer of the City of Battle Ground, excluding supervisors, confidential employees, and all other employees.

The second bargaining unit is a public works bargaining unit, which is described as follows:

All full-time and regular part-time employees of the City of Battle Ground Public Works Department, excluding supervisors, confidential employees, and all other employees.

5. On October 9, 2013, Teamsters, Local 58 filed a petition seeking to amend the existing certifications of the office-clerical and public works bargaining units described in Finding of Fact 4 to reflect that the employees voted to affiliate and merge BGPEA with the Teamsters.
6. Accompanying the Teamsters' petition was evidence demonstrating that the employees were provided an opportunity to vote on whether or not to affiliate and merge the BGPEA into the Teamsters, and evidence demonstrating that the employees affirmatively voted for the affiliation and merger.

#### CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to Chapter 41.56 RCW.
2. Based upon Findings of Fact 5 and 6, the BGPEA provided due process to employees in allowing them to vote on whether or not to affiliate with the Teamsters.
3. Based upon Finding of Fact 6, BGPEA has affiliated with the Teamsters.

#### ORDERED

1. Decision 11933 - PECB clarifies the certification issued in *City of Battle Ground*, Decision 5472, (PECB, 1996), is amended to reflect that the Teamsters, Local 58 is now the exclusive bargaining representative of record. The bargaining unit description remains unchanged.

2. Decision 11934 - PECB clarifies the certification issued in *City of Battle Ground*, Decision 7046 (PECB, 2000), is amended to reflect that the Teamsters, Local 58 is now the exclusive bargaining representative of record. The bargaining unit description remains unchanged.

ISSUED at Olympia, Washington, this 19<sup>th</sup> day of November, 2013.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



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 under WAC 391-35-210.



**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

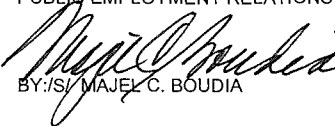
112 HENRY STREET NE SUITE 300  
PO BOX 40919  
OLYMPIA, WASHINGTON 98504-0919

MARILYN GLENN SAYAN, CHAIRPERSON  
PAMELA G. BRADBURN, COMMISSIONER  
THOMAS W. McLANE, COMMISSIONER  
MIKE SELLARS, EXECUTIVE DIRECTOR

RECORD OF SERVICE - ISSUED 11/19/2013

The attached document identified as: DECISION 11933 - PECB has been served by the Public Employment Relations Commission by deposit in the United States mail, on the date issued indicated above, postage prepaid, addressed to the parties and their representatives listed in the docket records of the Commission as indicated below:

PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
BY: /s/ MAJEL C. BOUDIA

CASE NUMBER: 26003-C-13-01571 FILED: 10/09/2013 FILED BY: PARTY 2  
DISPUTE: MISC CLARIF  
BAR UNIT: OPER/MAINT  
DETAILS: -  
COMMENTS:

EMPLOYER: CITY OF BATTLE GROUND  
ATTN: JOHN WILLIAMS  
109 SW 1ST ST STE 221  
BATTLE GROUND, WA 98604  
Ph1: 360-342-5000 Ph2: 360-342-5005

PARTY 2: TEAMSTERS LOCAL 58  
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2212 NE ANDRESEN RD  
VANCOUVER, WA 98661  
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## PUBLIC EMPLOYMENT RELATIONS COMMISSION

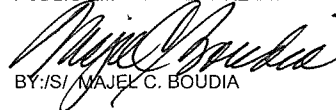
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PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
BY: /s/ NAJEL C. BOUDIA

CASE NUMBER: 26091-C-13-01573 FILED: 11/12/2013 FILED BY: PARTY 2  
DISPUTE: MISC CLARIF  
BAR UNIT: OPER/MAINT  
DETAILS: -  
COMMENTS:

EMPLOYER: CITY OF BATTLE GROUND  
ATTN: JOHN WILLIAMS  
109 SW 1ST ST STE 221  
BATTLE GROUND, WA 98604  
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PARTY 2: TEAMSTERS LOCAL 58  
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