

*King County*, Decision 12580 (PECB, 2016)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

TEAMSTERS LOCAL 117

For clarification of an existing bargaining  
unit of employees of:

KING COUNTY

CASE 128181-C-16

DECISION 12580 - PECB

ORDER AMENDING  
CERTIFICATION

*Paul Marvy*, Director of Research, for Teamsters Local 117.

*Deborah Bellam*, Labor Negotiator, for King County.

On May 12, 2016, Teamsters Local 117 (Teamsters) filed a unit clarification petition seeking to amend a bargaining unit certification involving employees of King County (employer). The employees in the bargaining unit voted to affiliate and merge the Public Defense Management Guild (Guild) into Teamsters.

The Guild currently represents a bargaining unit of supervisory public defenders at King County Public Defense. That bargaining unit is currently described as:

All full-time and regular part-time managers and supervisors of the King County Public Defense, excluding non-supervisory employees, directors, confidential employees, and all other employees.

*King County*, Decision 11972 (PECB, 2014).

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

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. Public Employment Relations Commission*, 55 Wn. App. 348 (1989).

Generally, a union affiliation will not be rejected where the membership has been provided an opportunity to vote. However, an affiliation vote may be overturned due to a lack of "continuity." 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. *Id.*

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 their choice in a manner with reasonable precautions to maintain ballot secrecy.

The petition purports only to affiliate and merge the Guild into Teamsters. The leadership structure in existence at the Guild remains intact and the negotiated agreements remain in effect. Additionally, the scope of the bargaining unit to be represented by Teamsters remains unchanged. Finally, 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 Teamsters and that 87.5 percent of the employees supported the merger. Because it readily appears that continuity and due process requirements have been satisfied in this case, the existing certification is amended.

FINDINGS OF FACT

1. King County is a public employer within the meaning of RCW 41.56.030(12).
2. The Public Defense Management Guild (Guild) is a bargaining representative within the meaning of RCW 41.56.030(2).
3. Teamsters Local 117 (Teamsters) is a bargaining representative within the meaning of RCW 41.56.030(2).
4. The Guild currently represents a bargaining unit of supervisory public defenders at King County Public Defense. That bargaining unit is currently described as:

All full-time and regular part-time managers and supervisors of the King County Public Defense, excluding non-supervisory employees, directors, confidential employees, and all other employees.

5. On May 12, 2016, Teamsters filed a petition seeking to amend the existing certification of the supervisory bargaining unit described in Finding of Fact 4 to reflect that the employees voted to affiliate and merge the Guild with Teamsters.
6. Accompanying Teamsters' petition was evidence demonstrating that the employees were provided an opportunity to vote on whether or not to affiliate and merge the Guild into 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 Guild provided due process to employees in allowing them to vote on whether or not to affiliate with Teamsters.
  
3. Based upon Finding of Fact 6, the Guild has affiliated with Teamsters.

ORDER

The certification issued in *King County*, Decision 11972, is amended to reflect that Teamsters Local 117 is now the exclusive bargaining representative of record. The bargaining unit description remains unchanged.

ISSUED at Olympia, Washington, this 1st day of June, 2016.

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  
THOMAS W. McLANE, COMMISSIONER  
MARK E. BRENNAN, COMMISSIONER  
MIKESELLARS, EXECUTIVE DIRECTOR

**RECORD OF SERVICE - ISSUED 06/1/2016**

DECISION 12580 - PECB has been mailed by the Public Employment Relations Commission to the parties and their representatives listed below:

BY: DEBBIE BATES

CASE NUMBER: 128181-C-16

EMPLOYER: KING COUNTY  
ATTN: KRISTI D. KNIEPS  
OFFICE OF LABOR RELATIONS  
500 4TH AVE RM 450  
SEATTLE, WA 98104  
kristi.knieps@kingcounty.gov  
(206) 477-1896

PARTY 2: TEAMSTERS LOCAL 117  
ATTN: JOHN SCEARCY  
14675 INTERURBAN AVE S STE 307  
TUKWILA, WA 98168-4614  
john.scearcy@teamsters117.org  
(206) 441-4860

REP BY: PAUL MARVY  
TEAMSTERS LOCAL 117  
14675 INTERURBAN AVE S STE 307  
TUKWILLA, WA 98168  
paul.marvy@teamsters117.org  
(206) 441-4860