

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

INTERNATIONAL ASSOCIATION OF
FIRE FIGHTERS, LOCAL 2781

For clarification of an existing bargaining
unit of employees of:

SNOHOMISH COUNTY FIRE
DISTRICT 5

CASE 129558-C-17

DECISION 12802 - PECB

ORDER AMENDING
CERTIFICATION

Michael McConnell, President, for the International Association of Fire Fighters,
Local 2781.

Merlin Halverson, Fire Chief, for Snohomish County Fire District 5.

Jason Gwilt, President, for the International Association of Fire Fighters, Local
4446.

On July 31, 2017, the International Association of Fire Fighters, Local 2781 (Local 2781) filed a unit clarification petition seeking to amend a bargaining unit certification involving employees of Snohomish County Fire District 5 (employer). The employees are currently in a bargaining unit represented by the International Association of Fire Fighters, Local 4446 (Local 4446). The unit comprises "all uniformed employees of the Snohomish County Fire District 5 as defined in RCW 41.26, excluding the fire chief." *Snohomish County Fire District 5, Decision 8912 (PECB, 2005)*.

The employees in the bargaining unit affirmatively voted to affiliate and merge Local 4446 with Local 2781. The employer indicated that it is not opposed to the affiliation and merger.

ANALYSIS

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

Generally, an affiliation will not be rejected where the membership has been provided with an opportunity to vote. However, an affiliation vote may be overturned due to a lack of continuity before and after the attempted affiliation. A lack of continuity will exist if the organizational changes to the leadership structure of the existing bargaining unit 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 affiliation. The employees must be provided with notice of the affiliation vote, be given an opportunity to discuss the matter, and be allowed to exercise their choice in a manner that maintains ballot secrecy.

The petition seeks only to affiliate and merge Local 4446 with Local 2781. The leadership structure in existence at Local 2781 remains intact and the negotiated agreements remain in effect. Additionally, the scope of the existing bargaining unit remains unchanged. Finally, Local 2781 provided a signed statement demonstrating that the bargaining unit employees were given an opportunity to vote on whether they wanted to affiliate and merge Local 4446 with Local 2781. 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. Snohomish County Fire District 5 is a public employer within the meaning of RCW 41.56.030(12).
2. The International Association of Fire Fighters, Local 2781 (Local 2781) is a bargaining representative within the meaning of RCW 41.56.030(2).
3. The International Association of Fire Fighters, Local 4446 (Local 4446) is a bargaining representative within the meaning of RCW 41.56.030(2).
4. The employees are currently in a bargaining unit represented by Local 4446. The unit comprises "all uniformed employees of the Snohomish County Fire District 5 as defined in RCW 41.26, excluding the fire chief."
5. On July 31, 2017, Local 2781 filed a unit clarification petition seeking to amend the existing certification of the bargaining unit described in Finding of Fact 4 to reflect that the employees had voted to affiliate and merge Local 4446 with Local 2781.
6. Local 2781 provided evidence demonstrating that the employees were given an opportunity to vote on whether they wanted to affiliate and merge Local 4446 with Local 2781 and 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 and Chapter 391-35 WAC.
2. Based upon Findings of Fact 4 through 6, the bargaining unit members were provided with due process and allowed to vote on whether to affiliate and merge Local 4446 with Local 2781.

3. Based upon Finding of Fact 6, Local 4446 has affiliated and merged with Local 2781.

ORDER

The certification issued in *Snohomish County Fire District 5*, Decision 8912, is amended to reflect that the International Association of Fire Fighters, Local 2781 is now the exclusive bargaining representative of record. The bargaining unit description remains unchanged.

ISSUED at Olympia, Washington, this 6th day of December, 2017.

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

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RECORD OF SERVICE - ISSUED 12/06/2017

DECISION 12802 - PECB has been mailed by the Public Employment Relations Commission to the parties and their representatives listed below:

BY: VANESSA SMITH

CASE NUMBER: 129558-C-17

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