

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petitions of:

WASHINGTON STATE COUNCIL OF  
COUNTY AND CITY EMPLOYEES

For clarification of an existing bargaining  
unit of employees of:

CITY OF EDMONDS

CASE 130020-C-18  
DECISION 12841 – PECB

ORDER AMENDING  
CERTIFICATION

*Bill Keenan*, Director of Organizing, for the Washington State Council of County and City Employees.

*Marie Ann Hardie*, Human Resources Director, for City of Edmonds.

On January 30, 2018, the Washington State Council of County and City Employees (WSCCCE) filed a unit clarification petition seeking to amend a bargaining unit certification involving employees of City of Edmonds (City). The employees in the bargaining unit voted to affiliate and merge the City of Edmonds Employees Association (Association) into the WSCCCE.

The Association currently represents a bargaining unit of non-supervisory employees at the City. That bargaining unit is currently described as:

Included: All regular full and part-time clerical, professional and technical employees.

Excluded: All positions contained in other bargaining units, including public works shop and field laborers, police department; executive secretary, council secretary, office administrators, personnel department, city clerk department, supervisory and management, guards and confidential as described under the act, temporary or interim-funded positions.

*City of Edmonds*, Decision 12821 (PECB, 2018). Accompanying the petitions was evidence demonstrating that bargaining unit members did in fact affirmatively vote for the affiliation and merger. The employer indicated that it is not 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" 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 Association into the WSCCCE. The leadership structure in existence at the Association remains intact and any negotiated agreements remain in effect. Additionally, the scope of the bargaining unit to be represented by the WSCCCE remains unchanged. Finally, the WSCCCE provided a signed statement demonstrating that the bargaining unit employees were permitted an opportunity to vote on whether the employees represented by the Association wanted to affiliate and merge with the WSCCCE. 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. The City of Edmonds is a public employer within the meaning of RCW 41.56.030(12).
2. The Washington State Council of County and City Employees (WSCCCE) is a bargaining representative within the meaning of RCW 41.56.030(2).
3. The City of Edmonds Employees Association (Association) is a bargaining representative within the meaning of RCW 41.56.030(2).
4. The Association currently represents a bargaining unit of non-supervisory employees at the City. That bargaining unit is currently described as:

Included: All regular full and part-time clerical, professional and technical employees.

Excluded: All positions contained in other bargaining units, including public works shop and field laborers, police department; executive secretary, council secretary, office administrators, personnel department, city clerk department, supervisory and management, guards and confidential as described under the act, temporary or interim-funded positions.

5. On January 30, 2018, the WSCCCE filed a petition seeking to amend the existing certification of the non-supervisory bargaining units described in Finding of Fact 4 to reflect that the employees voted to affiliate and merge the Association with the WSCCCE.
6. Accompanying the WSCCCE's petition was evidence demonstrating that the employees were provided an opportunity to vote on whether or not to affiliate and merge the Association into the WSCCCE, 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 Association provided due process to employees in allowing them to vote on whether or not to affiliate with the WSCCCE.
3. Based upon Finding of Fact 6, the Association has affiliated with the WSCCCE.

ORDER

The certification issued in *City of Edmonds*, Decision 12821 (PECB, 2018), is amended to reflect that the Washington State Council of County and City Employees is now the exclusive bargaining representative of record. The bargaining unit description remains unchanged.

ISSUED at Olympia, Washington, this 6th day of March, 2018.

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  
MARK E. BRENNAN, COMMISSIONER  
MARK R. BUSTO, COMMISSIONER  
MIKESELLARS, EXECUTIVE DIRECTOR

### RECORD OF SERVICE - ISSUED 03/06/2018

DECISION 12841 - PECB has been mailed by the Public Employment Relations Commission to the parties and their representatives listed below:

BY: DEBBIE BATES

CASE NUMBER: 130020-C-18

EMPLOYER: CITY OF EDMONDS

REP BY: DAVE EARLING  
CITY OF EDMONDS  
121 5TH AVE N  
EDMONDS, WA 98020  
dave.earling@edmondswa.gov  
(425) 771-0247

MARY ANN HARDIE  
CITY OF EDMONDS  
121 5TH AVE N  
EDMONDS, WA 98020  
maryann.hardie@edmondswa.gov  
425-771-0258

PARTY 2: WSCCCE

REP BY: CHRIS DUGOVICH  
WSCCCE  
PO BOX 750  
EVERETT, WA 98206-0750  
c2everett@council2.com  
(425) 303-8818

BILL KEENAN  
WSCCCE  
PO BOX 750  
EVERETT, WA 98206-0750  
bilk@council2.com  
(425) 303-8818

PARTY 3: CITY OF EDMONDS EMPLOYEE ASSOCIATION

REP BY: DAVID ROHDE  
CITY OF EDMONDS EMPLOYEE ASSOCIATION  
121 5TH AVE N  
EDMONDS, WA 98020  
daverohde@gmail.com  
(425) 275-4705