

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petitions of:

TEAMSTERS LOCAL 117

For clarification of an existing bargaining
unit of employees of:

CITY OF GIG HARBOR

CASE 130758-C-18

DECISION 12896 - PECB

ORDER AMENDING
CERTIFICATION

Marie Duarte, Associate General Counsel, for Teamsters Local 117.

Sofia D. Mabee, Attorney at Law, Summit Law Group, for the City of Gig Harbor.

On July 17, 2018, Teamsters Local 117 (Teamsters) filed a unit clarification petition seeking to amend a bargaining unit certification involving employees of the City of Gig Harbor (employer). The employees represented by the Gig Harbor Police Officers Guild (guild) voted to affiliate with the Teamsters.

The guild currently represents a bargaining unit of police officers in the police department of the employer. That bargaining unit is currently described as all full-time and regular part-time uniformed police officers holding the rank of sergeant or below of the city of Gig Harbor, excluding confidential and supervisory employees.

The guild provided evidence demonstrating that bargaining unit members affirmatively voted for the affiliation. The employer indicated that it does not oppose the affiliation.

ANALYSIS

Applicable Legal Standard

Affiliation occurs when either two or more local unions merges to form one larger union or when

a small local union merges into a larger national or international union. In order for an affiliation to be successful, the petitioning labor organization must satisfy due process concerns by providing evidence or documentation that the employees are in favor of the affiliation. The petitioner must also demonstrate that continuity exists between the pre- and post- affiliation union.

Due process may be satisfied through a vote of the bargaining unit'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). The employees in the bargaining unit or units must be provided notice of the affiliation election, given an opportunity to discuss the matter, and allowed to exercise their choice in a manner with reasonable precautions to maintain ballot secrecy. This agency will not reject a request for union affiliation where all affected employees have been provided an opportunity to vote.

The primary method for demonstrating continuity is to show that the officers of the pre-affiliation union still maintain a certain level of authority over local matters. This includes the right to elect local officers and the right of bargaining unit employees to participate collective bargaining. 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. If the existing union and employer are parties to a collective bargaining agreement then the new parent organization must honor that agreement until its expiration. A successful affiliation vote may be overturned due to a lack of "continuity" between the pre- and post- affiliation union. 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.

Application of Standard

The petition seeks to affiliate the guild into the Teamsters. The Teamsters provided a signed statement demonstrating that the bargaining unit employees were permitted an opportunity to vote on whether the employees represented by the guild wanted to affiliate with the Teamsters. After the affiliation, the scope of the bargaining unit remains unchanged, the leadership structure in existence at the guild remains intact, and any negotiated agreements remain in effect. Because it

readily appears that the due process and continuity requirements have been satisfied, the existing certifications are amended.

FINDINGS OF FACT

1. The City of Gig Harbor (employer) is a public employer within the meaning of RCW 41.56.030(12).
2. The Teamsters Local 117 (Teamsters) is a bargaining representative within the meaning of RCW 41.56.030(2).
3. The Gig Harbor Police Officers Guild (guild) is a bargaining representative within the meaning of RCW 41.56.030(2).
4. The guild currently represents a bargaining unit of police officers in the police department of the employer. That bargaining unit is currently described as all full-time and regular part-time uniformed police officers holding the rank of sergeant or below of the city of Gig Harbor, excluding confidential and supervisory employees.
5. On July 17, 2018, the Teamsters Local 117 (Teamsters) filed a unit clarification petition seeking to amend an existing certification of the bargaining unit described in finding of fact 4 to reflect that the employees voted to affiliate and merge the guild 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 guild 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.

1. 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 the Teamsters.

2. Based upon finding of fact 6, the guild has affiliated with the Teamsters.

ORDER

The Gig Harbor Police Officers Guild is now an affiliate of the Teamsters Local 117.

ISSUED at Olympia, Washington, this 27th day of July, 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

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RECORD OF SERVICE - ISSUED 07/27/2018

DECISION 12896 - PECB has been mailed by the Public Employment Relations Commission to the parties and their representatives listed below:

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CASE NUMBER: 130758-C-18

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