

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petitions of:

TEAMSTERS LOCAL 839

For clarification of an existing bargaining
unit of employees of:

WALLA WALLA COUNTY

CASE 130996-C-18

DECISION 12949 - PECB

ORDER AMENDING
CERTIFICATION

Jesus Alvarez, Business Agent, for Teamsters Local 839.

Daniel A. Swedlow, Attorney at Law, Summit Law Group PLLC, for Walla Walla
County.

On October 3, 2018, Teamsters Local 839 (Teamsters) filed a unit clarification petition seeking to amend a bargaining unit certification involving employees of Walla Walla County (employer). The employees represented by the Walla Walla County Corrections (guild) voted to affiliate with Teamsters.

The guild currently represents a bargaining unit of corrections officers in the Walla Walla County jail of the employer. That bargaining unit is currently described as all nonsupervisory, noncommissioned corrections officers of Walla Walla County, excluding supervisors, confidential employees, and all other 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 merge 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 in 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. *Id.*

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. Walla Walla County (employer) is a public employer within the meaning of RCW 41.56.030(12).
2. The Teamsters Local 839 (Teamsters) is a bargaining representative within the meaning of RCW 41.56.030(2).
3. The Walla Walla County Corrections Guild (guild) is a bargaining representative within the meaning of RCW 41.56.030(2).
4. The guild currently represents a bargaining unit of corrections officers in the Walla Walla County jail of the employer. That bargaining unit is currently described as all nonsupervisory, noncommissioned corrections officers of Walla Walla County, excluding supervisors, confidential employees, and all other employees.
5. On October 3, 2018, the Teamsters Local 839 (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.
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 the Teamsters.
3. Based upon finding of fact 6, the guild has affiliated with the Teamsters.

ORDER

The Walla Walla County Corrections Guild is now an affiliate of the Teamsters Local 839.

ISSUED at Olympia, Washington, this 5th day of December, 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.



RECORD OF SERVICE

ISSUED ON 12/05/2018

DECISION 12949 - PECB has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

BY: DEBBIE BATES

CASE 130996-C-18

EMPLOYER: WALLA WALLA COUNTY

REP BY: WALLA WALLA CO COMMISSIONERS
WALLA WALLA COUNTY
314 W MAIN
PO BOX 1506
WALLA WALLA, WA 99362
wwcocommissioners@co.walla-walla.wa.us

DANIEL A. SWEDLOW
SUMMIT LAW GROUP PLLC
315 5TH AVE S STE 1000
SEATTLE, WA 98104
dans@summitlaw.com

PARTY 2: TEAMSTERS LOCAL 839

REP BY: RUSSELL SHJERVEN
TEAMSTERS LOCAL 839
1103 W SYLVESTER ST
PASCO, WA 99301
team839_rshjerven@msn.com

JESUS ALVAREZ
TEAMSTERS LOCAL 839
1103 W SYLVESTER ST
PASCO, WA 99301
team839_jalvarez@outlook.com

PARTY 3: WALLA WALLA COUNTY CORRECTIONS & PROFESSIONALS ASSOCIATION

REP BY: CHRIS SCARR
WALLA WALLA COUNTY CORRECTIONS & PROFESSIONALS ASSOCIATION
300 W ALDER ST
WALLA WALLA, WA 99362
wwccpapresident@gmail.com