

Rivercom 911, Decision 13580 (PECB, 2022)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

TEAMSTERS LOCAL 760

For clarification of an existing bargaining unit
of employees of:

RIVERCOM 911

CASE 135673-C-22

DECISION 13580 - PECB

ORDER AMENDING CERTIFICATION

Kane Koerner, Organizer, for Teamsters Local 760.

Lowell Porter, Executive Director, for Rivercom 911.

On August 9, 2022, Teamsters Local 760 (Teamsters) filed a unit clarification petition seeking an affiliation involving employees of Rivercom 911 (employer) currently represented by Rivercom Supervisors Association (association). Teamsters met the necessary requirements for affiliation and the certification will be amended.

The association currently represents a bargaining unit of supervisory dispatchers currently described as:

All full-time and regular part-time supervisory dispatchers employed by Rivercom 911, excluding nonsupervisory employees, confidential employees, and all other employees.

Rivercom 911, Decision 12965 (PECB, 2019).

Teamsters provided evidence demonstrating that the association's bargaining unit members affirmatively voted for the affiliation. The employer 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 unions.

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 union 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 unions. 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 association into Teamsters. Teamsters provided a declaration demonstrating that the bargaining unit employees were permitted an opportunity to vote on whether the employees represented by the association wanted to affiliate with Teamsters. After the affiliation, the scope of the bargaining unit remains unchanged, the leadership structure in existence at the association 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. Rivercom 911 (employer) is a public employer within the meaning of RCW 41.56.030(12).
2. Teamsters Local 760 (Teamsters) is a bargaining representative within the meaning of RCW 41.56.030(2).
3. Rivercom Supervisors Association (association) is a bargaining representative within the meaning of RCW 41.56.030(2).
4. The association currently represents a bargaining unit of supervisory dispatchers at Rivercom 911. The unit is currently described as:

All full-time and regular part-time supervisory dispatchers employed by Rivercom 911, excluding nonsupervisory employees, confidential employees, and all other employees.

Rivercom 911, Decision 12965 (PECB, 2019).

5. On August 9, 2022, Teamsters filed a unit clarification petition seeking an affiliation involving employees described in finding of fact 4.
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 association

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 association 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 association has affiliated with Teamsters.

ORDER

The Rivercom Supervisors Association is now an affiliate of Teamsters Local 760.

ISSUED at Olympia, Washington, this 18th day of October, 2022.

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 10/18/2022

DECISION 13580 - 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 135673-C-22

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