

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

INTERNATIONAL ASSOCIATION OF
FIRE FIGHTERS LOCAL 2032

For clarification of an existing bargaining unit
of employees of:

EAST JEFFERSON FIRE RESCUE
(JEFFERSON COUNTY FIRE DISTRICT 1)

CASE 138059-C-23

DECISION 13797 - PECB

ORDER CLARIFYING BARGAINING
UNIT

Caton White, Vice President, for the International Association of Fire Fighters
Local 2032.

Bret Black, Fire Chief, for the East Jefferson Fire Rescue (Jefferson County Fire
District 1).

The International Association of Fire Fighters Local 2032 (union) represents a bargaining unit of nonsupervisory firefighters at East Jefferson Fire Rescue (employer). *East Jefferson Fire Rescue*, Decision 13426 (PECB, 2021). The employer recently created a new Captain job class. On December 11, 2023, the union filed a unit clarification petition asking this agency to place the Captain job class in the union's nonsupervisory bargaining unit which includes all nonsupervisory firefighters working for the employer. The union asserts that the Captain job class only shares a community of interest with the employees in the union's bargaining unit. The employer does not oppose the union's petition.

The duties, skills, and working conditions as well as the extent of organization demonstrate that the Captain job class only shares a community of interest with the union's bargaining unit. The Captain job class shall be included in the union's bargaining unit without the need of an election.

Applicable Legal Standard

The determination of appropriate bargaining units is a function delegated to this agency by the legislature. *City of Richland*, Decision 279-A (PECB, 1978), *aff'd*, *International Association of Fire Fighters, Local 1052 v. Public Employment Relations Commission*, 29 Wn. App. 599 (1981), *review denied*, 96 Wn.2d 1004 (1981). The goal in making bargaining unit determinations is to group together employees who have sufficient similarities (community of interest) to indicate that they will be able to bargain effectively with their employer. *Quincy School District*, Decision 3962-A (PECB, 1993).

Included in this agency's authority to determine an appropriate bargaining unit is the power to modify that unit, upon request, through a unit clarification proceeding. *University of Washington*, Decision 11590 (PSRA, 2012), *aff'd*, Decision 11590-A (PSRA, 2013); *see also Pierce County*, Decision 7018-A (PECB, 2001). Unit clarification cases are governed by the provisions of chapter 391-35 WAC. The general purpose of the unit clarification process is to provide this agency, as well as the parties to a collective bargaining relationship, a mechanism to make changes to an appropriate bargaining unit based upon a change of circumstances. *See, e.g., Toppenish School District*, Decision 1143-A (PECB, 1981). Unit clarification proceedings can be used to determine the bargaining unit placement of newly-created positions. WAC 391-35-020(1)(a).

An accretion may be ordered when changed circumstances lead to the existence of positions that logically belong only in one existing bargaining unit. *City of Auburn*, Decision 4880-A (PECB, 1995). In order for an accretion to be directed, the resulting unit must be appropriate. *Pierce County*, Decision 6051-A (PECB, 1998). An accretion will be denied if the positions could stand on their own as a separate bargaining unit or could appropriately be placed in any other bargaining unit. *City of Auburn*, Decision 4880-A. An accretion cannot be ordered where the number of employees to be added to the bargaining unit is so large as to call into question the union's majority status in the enlarged unit. *Port of Seattle*, Decision 11131 (PORT, 2011). The party proposing accretion bears the burden of demonstrating that conditions for accretion are present. *State – Enterprise Services (Contracts & Legal Services)*, Decision 11652-A (PSRA, 2013); *City of Auburn*, Decision 4880-A.

Application of Standard

The Captain job class logically belongs in the union's bargaining unit because the at-issue positions share the same duties, skills, and working conditions as other employees in the bargaining unit. Furthermore, the extent of organization dictates that the Captain job class be included in the bargaining to avoid work jurisdiction issues.

The employer provides fire suppression and emergency response to the residents residing in eastern Jefferson County including the City of Port Townsend and the unincorporated communities of Cape George, Chimacum, Irondale, Kala Point, Marrowstone Island, and Port Hadlock. The union's bargaining unit includes all of the nonsupervisory firefighters in the employer's workforce.

In 2021, the employer created a new Battalion Chief job class that assists the Fire Chief and Assistant Chiefs in planning, organizing, and directing the operations and activities of the department. *East Jefferson Fire Rescue*, Decision 13426. The parties jointly filed a petition asking that the Battalion Chiefs be added to the union's bargaining unit. The stipulated facts demonstrated that the Battalion Chiefs and bargaining unit employees shared common duties and working conditions. The extent of organization also supported a conclusion that the Battalion Chiefs' supervisor only belongs in the union's bargaining unit as the duties of the Battalion Chiefs were functionally integrated with the other positions in the union's bargaining unit.

Here, the newly created Captains job class respond to fire suppression and emergency medical incidents similar to the other firefighters in the employer's workforce. The Captains assist the Battalion Chiefs in the direct operations and training of subordinate personnel and are primarily assigned to one of three shifts, and to exclude this position from the union's bargaining unit would create work jurisdiction issues. The extent of organization supports a conclusion that the newly created Captains job class only belongs in the union's bargaining unit. The duties of the Captains are functionally integrated with the other positions in the union's bargaining unit and to exclude this position from the union's bargaining unit would create work jurisdiction issues. The Captains are added to the union's bargaining unit without the need of an election.

FINDINGS OF FACT

1. East Jefferson Fire Rescue is a public employer within the meaning of RCW 41.56.030(12).
2. The International Association of Fire Fighters Local 2032 is a bargaining representative within the meaning of RCW 41.56.030(2).
3. The union represents a bargaining unit of firefighters that is currently described as follows:

All uniformed personnel of the Jefferson County Fire District 1 as defined in RCW 41.26, excluding supervisors, confidential employees, and nonuniformed employees.

4. The Battalion Chiefs assist the Fire Chief and Assistant Chiefs in planning, organizing, and directing the operations and activities of the department. The Battalion Chiefs may act for the Fire Chief and Assistant Chiefs in their absence and perform related work and other duties as assigned. The Battalion Chiefs' duties include shift management, shift training, public information release, emergency response, scheduling, program management, emergency scene management, and personnel evaluations.
5. The Battalion Chiefs and bargaining unit employees share many common duties and working conditions. The Battalion Chiefs respond to fire suppression and emergency medical incidents similar to the other firefighters in the employer's workforce. The Battalion Chiefs direct operations and training of subordinate personnel and are primarily assigned to one of three shifts. As the shift manager, the Battalion Chief normally delegates and assigns daily and emergency scene activities to company officers.
6. The duties of the Battalion Chiefs are functionally integrated with the other positions in the union's bargaining unit and to exclude this position from the union's bargaining unit would create work jurisdiction issues.

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 3 through 6, the Battalion Chiefs only share a community of interest with the bargaining unit described in finding of fact 3.

ORDER

The employees in the Battalion Chief job class are added to the union's bargaining unit. The bargaining unit definition shall remain the same.

ISSUED at Olympia, Washington, this 8th day of March, 2024.

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 03/08/2024

DECISION 13797 - 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 138059-C-23

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