

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

WASHINGTON STATE COUNCIL OF  
COUNTY AND CITY EMPLOYEES

For clarification of an existing bargaining unit  
of employees of:

YAKIMA COUNTY

CASE 138676-C-24

DECISION 13830 - PECB

ORDER AMENDING CERTIFICATION

*Michael Rainey*, President/Executive Director, for the Washington State Council of  
County and City Employees.

*Colin R. Boyle*, Attorney at Law, Summit Law Group PLLC, for Yakima County.

On February 29, 2024, Washington State Council of County and City Employees (WSCCCE) filed a unit clarification petition seeking an affiliation involving employees of Yakima County (employer) currently represented by Independent Local No. 1 Employees Association (Association). WSCCCE met the necessary requirements for affiliation and the certification will be amended.

The association currently represents a bargaining unit described as “All full-time and regular part-time maintenance and operations employees of the Yakima County Public Works Department, excluding supervisors, confidential employees, and all other employees.” *Yakima County*, Decision 11282 (PECB, 2012).

WSCCCE 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 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 WSCCCE. 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 with WSCCCE. 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. Yakima County (employer) is a public employer within the meaning of RCW 41.56.030(12).
2. Washington State Council of County and City Employees (WSCCCE) is a bargaining representative within the meaning of RCW 41.56.030(2).
3. The Independent Local No. 1 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 corrections employees currently described as “All full-time and regular part-time maintenance and operations employees of the Yakima County Public Works Department, excluding supervisors, confidential employees, and all other employees.” *Yakima County*, Decision 11282 (PECB, 2012).
5. On February 29, 2024, WSCCCE filed a unit clarification petition seeking an affiliation involving employees described in finding of fact 4.
6. Accompanying 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 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 WSCCCE.
3. Based upon finding of fact 6, the Association has affiliated with WSCCCE.

ORDER

The Independent Local No. 1 Employees Association is now an affiliate of the Washington State Council of County and City Employees.

ISSUED at Olympia, Washington, this 8th day of May, 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

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ISSUED ON 05/08/2024

DECISION 13830 - 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 138676-C-24

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