



REPRESENTATION PETITION

Is this an amended petition? ☐ Yes ☒ No If yes, enter the case number: _____**PARTIES** Include information for all parties involved.

EMPLOYER City of Vancouver Fire Department
Contact Joe Molina
Title Fire Chief
Address 7110 NE 63rd Street
City, State, ZIP Vancouver, WA 98661
Telephone 360-487-7212 Ext. 360
Email vanfmo@cityofvancouver.us

PETITIONER Vancouver Fire Department Guild
Contact Cale Baker
Title Deputy Fire Marshal
Address 7110 NE 63rd Street
City, State, ZIP Vancouver, WA 98661
Telephone 360-409-9533 Ext. 360
Email cale.baker@cityofvancouver.us

CURRENT BARGAINING REPRESENTATIVE

If one exists IAFF Local 452
Contact Chad Lawry
Title Lead Deputy Fire Marshal
Address 15822 NE 43rd Street
City, State, ZIP Vancouver, WA 98682
Telephone 360-909-0144 Ext. 360
Email lawrych@gmail.com

TYPE OF REQUEST Select ONE of the following.

- ☐ **RECOGNITION** to be certified as the representative of employees currently unrepresented.
- ☐ **INCLUSION OF UNREPRESENTED EMPLOYEES** to have a group of employees added to an existing bargaining unit as described in WAC 391-25-440.
- ☒ **CHANGE OF REPRESENTATIVE** to be certified as the representative of employees currently represented by another organization.
- ☐ **DECERTIFICATION** to no longer be represented by the current organization.
- ☐ **EMPLOYER PETITION** a determination by the commission according to WAC 391-25-090.

BARGAINING UNIT**Department or Division** Vancouver Fire Marshal's Office**Number of Employees in Bargaining Unit** 18**Describe the existing or proposed bargaining unit:**

Our bargaining unit consists of 10 Fire Code Officers, 4 Deputy Fire Marshals, 1 Fire Plans Examiner, 2 Lead Deputy Fire Marshals, and Kevin Cary, Resource Service Tech.


Collective Bargaining Agreement (CBA):

If one exists, the bargaining unit's most recent collective bargaining agreement must be filed with this petition.

CBA Expiration Date 12/31/2019**SHOWING OF INTEREST** The showing of interest cards are confidential and are filed ONLY with PERC.

The petition must be filed with a showing of interest indicating support of at least 30 percent of the employees in the bargaining unit. Showing of interest cards may be submitted electronically, provided the copy is legible.

AUTHORIZED CONTACT FOR PETITIONER

Name	<u>Chad Lawry</u>	Title	<u>Lead Deputy Fire Marshal</u>
Address	<u>15822 NE 43rd Street</u>	City, State, ZIP	<u>Vancouver, WA 98682</u>
Telephone	<u>360-909-0144</u> Ext. <u>360</u>	Email	<u>lawrych@gmail.com</u>
Signature		Date	<u>10-3-2019</u>



Vancouver Fire Department Guild Constitution and By-Laws

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Article 1

1.1 This organization shall be known as: Vancouver Fire Department Guild

1.2 References in this Constitution and By-Laws to “Guild” or “Association” shall refer to this Guild as named in Article 1.1 above.

1.3 This Guild, its officers, representatives and members shall recognize, observe, and be bound by the provisions of the Constitution and By-Laws of the Guild and interpretations rendered by the resolutions, decisions, and directives of the Executive Board or officers of the Association when made in the conformity with the authority granted by the Constitution and By-Laws of the Association, and the resolutions adopted and policies established by the processes contained herein.

1.4 Any gender specific reference or pronoun in this Constitution shall be construed to include any member of the Guild.

Article 2 - Objectives

2.1 The objectives of this Guild shall be the fostering and active encouragement of a higher degree of skill, safety and efficiency for its members. Also, the cultivation of friendship and fellowship among its members, along with the elevation and improvement of the moral, intellectual, social and economic conditions of its members; to engage in collective bargaining on behalf of its members in order to achieve a safer work environment and a higher standard of living for its members and their families; and to maintain a collective relationship with management to the highest degree possible.

2.2 This Guild shall not discriminate against any of its members on the basis of age, gender, race, creed, color, national origin, marital status, pregnancy, veteran status, the presence of any physical, mental, or sensory disability, or perceived or actual sexual orientation. Furthermore, this Guild recognizes the inherent worth and value of each and every member as working professionals or persons engaged in the collective task of engineering a higher level of economic and intellectual status through unity and solidarity of purpose and action.

Article 3 - Membership

3.1 All persons who are employed by the Vancouver Fire Department and are salaried, who are engaged in fire prevention, fire investigation, fire public education/community risk reduction, construction fire plan review & acceptance inspections or their related services and logistics functions of the Fire Department and being of good moral character, who at the time of making application is engaged in service within the jurisdiction of this Guild and having completed 30 days of employment shall be eligible for membership.

3.2 A voluntary initiation fee shall be paid in the amount of \$100.00 of the member's monthly salary payable within 30 days of enrollment in the Guild.

3.3 The voluntary dues of this Guild shall be an amount \$20.00 per month (\$240.00 per year) which shall be set aside for each of the following funds:

Negotiations and Legal Expenses.

3.4 Members who fail to pay their dues and assessments by the 15th day following the month in which they are due shall be notified by the Secretary/Treasurer that they are due. If a member fails to pay their dues, assessments, or initiation fees within 60 days after notification of ~~his~~ **their** delinquent status they shall automatically be suspended. The Secretary/Treasurer shall notify the President and the suspended member shall not be entitled to voice or vote in the Guild or in the affairs of the Guild.

3.5 Whenever assessments are proposed or increases in the rates of initiation fees, reinstatement fees or dues, notice of such proposals shall be given to the members and a date set for the submission of the proposed increase which shall be at least 30 days after such notice is given. This notice shall be emailed to the Guild members. This email notice will satisfy the requirement for notifying the members of this Guild.

3.6 Any member expelled or suspended from this Guild for any reason shall, before being reinstated, pay all dues, fines, and assessments in the same amount as would have been paid by them had they remained a “member in good standing”.

3.7 Any member expelled or suspended from this guild shall additionally pay a voluntary reinstatement fee of \$100.00. This fee will be assessed in the event a member requires reinstatement for any reason.

3.8 Separation - When any member in good standing becomes separated from the Vancouver Fire Department, or is precluded by law or Guild ordinance or contractually from maintaining Guild membership by virtue of their position, the Guild may allow said member to retain his/her active membership or, in lieu thereof, upon request of said member, shall issue him/her a withdrawal card. No reinstatement fee shall be charged upon reentry into the organization with a withdrawal card.

3.9 A member of this Guild holding an approved withdrawal status may re-enter upon notification of the Guild president and paying a re-instatement fee equal to one month’s dues.

3.10 Any member changing their address and/or phone number and or/email contact shall notify the President in writing, and in a timely manner.

3.11 Membership in good standing includes any person who has fulfilled the requirements for membership in this Guild and who has not voluntarily withdrawn, become ineligible for continued membership, or been suspended or expelled as provided in the Constitution and By-Laws or the Constitution of this Guild.

Article 4 - Officers

4.1 Eligibility for officers. Any member in good standing shall be eligible to be a candidate for office in this Guild.

4.2 The elective officers (Executive Board) of this Guild shall be: President, Vice-President, and Secretary/Treasurer.

4.3 All those before mentioned officers) shall hold office for two years. The term of the President and Secretary/Treasurer shall commence on the December immediately preceding even numbered years. The term of the Vice-President shall commence on the December immediately preceding odd numbered years. This order shall be continuous.

4.4 Rights of Candidates. Every candidate for office shall have the right to distribute campaign literature or information on their personal time, by mail or otherwise, to all members in good standing, at the candidates' own personal expense.

4.5 Use of Funds Prohibited in Elections. No funds received by this Guild through initiation fees, dues, or assessments or otherwise, shall be contributed or applied to promote the candidacy of any person in election of Guild officers.

4.6 Elections Committee. The President, Vice President and Secretary/Treasurer shall be responsible for distributing and tabulating the ballots whether physical or otherwise. Each candidate for office shall be entitled to attend, or appoint one observer who shall be permitted to attend, the meeting of the Elections Committee at which the votes are tabulated.

4.7 Preservation of Ballots. The ballots shall be preserved until the next regular business meeting at which time the ballot count shall be retained in the meeting minutes. Upon approval of the meeting minutes, the ballots may be destroyed.

Nominations shall be made at the regular September business meeting. Elections shall be made by referendum vote and the results tabulated by the Elections Committee. Officers will be installed at the Special December business meeting. The notice of the date, time and place for the nominations and election of officers shall be given by email.

4.8 All elective officers are to be chosen by a referendum vote. In case of a tie, the same shall be decided by lot. The order of the names on the ballot shall not be construed to indicate an order of preference or recommendation by the Guild.

4.9 Upon the death, resignation, or removal for any cause, of any officer, except the President, it shall be the duty of the Executive Board, at the next regular meeting after such death, resignation, or removal to appoint a successor to fill such vacancy.

4.10 Before entering into the duties of the respective offices the newly elected officers shall verbally agree to the obligations of office.

4.11 Any member may be removed from office for conduct unbecoming an officer or for excessive unexcused absences from business meetings or labor negotiation activities. In case of charges being preferred against an officer, they shall be given a hearing before the Executive Board, the office shall be declared vacant if the Guild deems such action proper.

4.12 In the event of an election in which no person receives majority vote, or there is no challenge to the incumbent, the incumbent shall remain in office until vacated or the next regular election.

Article 5 - Duties of Officers

5.1 It shall be the duty of **the President** to preside at all meetings of the Guild and preserve order during its deliberation. The President shall decide all questions of law and usage and all constitutional questions. The President shall cast the deciding vote when the vote is a tie or equally divided on any question but shall not vote at any other time except when a ballot is being taken. The President shall appoint all officers pro tem and all committees not otherwise provided for. It shall be the President's duty to issue the countersign to all members in good standing, to hold the secret work in their possession and not divulge it to anyone but members and transact such business as may of right pertain to their office. The President shall discharge on behalf of the Guild such duties as may be imposed upon them by applicable law including the execution and filing of any reports to federal or state authorities, and the President shall cause to be maintained by the Guild, such records as the law requires to be kept in support of reports filed by it. The President by virtue of that office shall be a member of the Labor Relations Committee.

5.2 The Vice President shall perform the duties of the President in the absence of that officer, and in the case of the resignation or death of the President until such vacancy is filled. The Vice President shall also preside when called upon by the President, and at all times when the President may be temporarily unable to perform their duties. The Vice President shall be the chairperson of the Negotiations Committee. The Vice President, by virtue of that office, shall be a member of the Labor Relations Committee.

5.3 The Secretary/Treasurer shall keep a correct record of all proceedings of the Guild and read them when requested to do so by the President. The Secretary/Treasurer shall post on the Guild's web site and/or upon the Guild bulletin board at the place(s) of work. A copy of the minutes recorded at the current months Guild meeting shall be distributed by email. That person shall also keep a correct record of all amendments to the Constitution and By-Laws of the Guild. The Secretary/Treasurer shall keep the official list of members in good standing. The Secretary/Treasurer, by virtue of that office, shall be a member of the Labor Relations Committee and the Elections Committee.

The Secretary/Treasurer shall collect all fines, dues, assessments, and initiation fees giving proper receipt for same. The Secretary/Treasurer shall deposit in a bank designated by the Executive Board, all monies belonging to the Guild. The Secretary/Treasurer shall pay all bills ordered paid by the Guild when requested to by the President and the Vice President. The Secretary/Treasurer shall keep a complete accurate accounts of all monies received and expended by the Guild, and submit their books for any audits. The audits may be conducted by an outside agency as determined by the Executive Board. The Secretary/Treasurer shall make semi-annual statements of receipts and expenditures showing condition of finances and balance on hand in the bank. The Secretary/Treasurer shall at the expiration of their office, deliver up to their successor all books, papers, monies, and other properties of the Guild in their possession, or to the person or persons designated by the majority vote of this Guild to act in their capacity.

The Secretary/Treasurer shall deposit all funds in a bank in the name of the Guild, subject to an order signed by the President, Vice President and Secretary/Treasurer.

5.4 The Executive Board shall consist of the President, Vice-President and Secretary/Treasurer. It shall be the duty of the Executive Board to investigate all accusations against any officer or officers or members for any violation of the Constitution and By-Laws of the Guild. Any accusation or charge submitted to the Board shall be filed in writing to the Secretary/Treasurer and that person shall refer to the report to this Guild for final action. The Executive Board may take up the question involving the rights of members of this Guild when such a member may request them to do so. It shall be the individual duty of each Executive Board member to supervise all Guild business, work, or affairs that may be assigned to them or the members of this Board, by the President.

The Executive Board shall have the authority to act in the name of the Guild during intervals between meetings and shall notify guild members of all actions and decisions that affect the membership. Where a simple majority is not available, a quorum of those members shall be used.

5.5 Any document signed, or agreement entered into by this Guild with the Vancouver Fire Department or the City of Vancouver which substantially affects wages, hours or working conditions shall have the signatures of all of the principal officers of this Guild and have voting approval of a simple majority of Guild members. Where a simple majority is not available, a quorum of those members shall be used.

5.6 The signatures of the principal officers concerning Memorandum of Understandings are binding by a majority vote of the Executive Board after approval of a simple majority of the Guild members.

Article - 6 Salaries

6.1 Monthly salaries. There is no salary for President, Vice-President or Secretary/Treasurer for the Vancouver Fire Department Guild. However, the members holding these offices shall be exempt from the remittance of Guild dues during their term(s) of office.

Article - 7 Quorum

7.1 Seventeen percent (17%) of members in good standing shall constitute a quorum for the transaction of business. In the case where 17% ~~equals a whole number and~~ a fraction of a whole number, that number will be rounded down to the next whole number.

7.2 There shall be no voluntary dissolution of the Guild unless the majority of its membership votes to forfeit the charter.

7.3 Meetings of this Guild shall be held as deemed necessary but shall not be less than bi-annual including the first Thursday of March and the first Thursday of September. When such day lands on a holiday, it shall be the following Thursday.

7.4 Special meetings shall be called by the President. Notice of such special meeting will be sent by email to the members at least fifteen (15) days prior to said meeting; with the single exception of contract ratification votes.

Article - 8 Referendum, Contract Ratification, Elections

8.1 A referendum is a vote by ballot and/or in person giving all members the opportunity to vote. A Referendum vote shall be carried out by either secret ballot or by a voting method as directed by the Secretary/Treasurer. The results of the referendum voting will be sent by email to the members by the Secretary/Treasurer. Voting sent to referendum in this manner will require a two-thirds majority for final passage.

8.1.1 If a vote is to be carried out by ballot an explanation prepared by the Secretary/Treasurer shall accompany each ballot.

The procedure for voting by secret ballot is as follows:

Ballots will be mailed or emailed to all members in good standing. The ballot will be placed in an unmarked sealed envelope. The unmarked sealed envelope containing the ballot shall be placed in a signed envelope **OR** an envelope with a name and return address marked on the envelope and mailed to the Guild office. If a vote is to be carried out by secret ballot an explanation prepared by the Secretary/Treasurer shall accompany each ballot. The procedure for voting by secret ballot is as follows:

Ballots will be mailed to all members in good standing. The ballot will be placed in an unmarked sealed envelope. The unmarked sealed envelope containing the ballot shall be placed in a signed envelope **OR** an envelope with a name and return address marked on the envelope and mailed to the Guild office. The Secretary/Treasurer shall verify the member as he receives a signed or marked envelope and open the signed or marked envelope. The unmarked envelope containing the ballot shall be given to the Elections Committee to tally the vote. The results of the vote will be given at the next regular Guild meeting. Ballots shall be marked with the closing date, after which no more ballots will be accepted. Such closing date will be fifteen (15) days after the date which the ballots are mailed. Ballots must be either marked or signed, or both to be counted. Two or more ballots in one envelope shall not be counted.

8.2 Contract ratification shall be voted on at a regular or special Guild meeting; provided that notice of such vote shall be posted at least seventy-two (72) hours before the actual meeting; and also, provided that on-duty shift personnel are afforded the opportunity to cast a vote either while on duty or on the day following their shift. Contract ratification votes shall be by secret ballot. Shop Stewards shall make every effort to contact all members in good standing who are on any type of leave during the aforementioned seventy-two (72) hour period.

8.2.1 It is the Guild's goal to ensure all members are afforded a reasonable opportunity to vote. Members who are on extended leave or are unable to attend contract ratification meetings may be allowed to vote by proxy if their circumstance is deemed reasonable by the executive board. Members shall contact a shop steward to discuss their circumstance as to why they are unable to vote in person and the executive board will review each case to approve or deny proxy voting. The Elections Committee Chair will determine an acceptable and verifiable method to cast and receive proxy votes. Acceptable methods may include mailing in a ballot that has been signed on

the seal of the envelope. When using mail in ballots, they must be received prior to the close of voting; or emailing your ballot from a verifiable email address. It is understood that proxy voting is only granted in rare circumstances and that when voting by proxy a member's right to secret ballot is waived.

8.3 The candidate for office who receives a majority. (i.e. more than one half) of the votes cast shall be declared elected. If no one receives a majority of votes cast, all persons with the exception of those with the two highest totals will be dropped from the ballot and the balloting shall continue until one candidate receives a majority.

Article - 9 Violations

9.1 If any member of this Guild violates any provisions of the Constitution and By-Laws or commits any act detrimental to the welfare of this Guild, it shall be the duty of any member having knowledge of same to immediately give notice in writing to the President of the Guild of their information or knowledge. The President shall notify and refer such charges to the Executive Board for action thereon.

9.2 No member may be expelled or suspended from this Guild nor officer removed from office except for cause.

Article - 10 Committees

10.1 The President may appoint committee chairs unless the motion or resolution creating the committee provides for the appointment to this position. All appointed committees shall consist of not less than two (2) members in good standing. The President may also appoint other members to the committee, but the chair shall be empowered to draft members to aid and serve on their committees.

10.2 Standing committees shall be appointed by the President or the Committee Chair with the President's approval at the first meeting in of the year. The Standing Committees of this Guild are:

Labor Relations - Responsible for coordinating programs and ideas between management and this Guild.

Negotiations - Responsible for negotiating the labor agreement between this Guild and the City of Vancouver.

Budget and Finance - Responsible for recommending an annual budget by the April meeting for all anticipated programs of this Guild based on projected revenues.

Civil Service - Responsible for bringing matters before the Civil Service Commission and reporting proposed Civil Service changes to this Guild.

Elections - Responsible for holding all elections, ballots and such other polls as may come before this Guild.

Public Relations - Responsible for providing information to the news media to enhance community programs of this Guild and to recommend public relations programs.

Constitution and By-Laws - Responsible for recommending updates and changes to these Constitution and By-Laws.

Charity and Peer Support - Responsible for setting guidelines for charitable donations, and for providing support to members and their families that may be dealing with grief or stress related issues.

10.3 All committees shall make verbal reports on their activities and findings at each regular meeting of the Guild except when a definite time has been set for making a final report. All final reports shall be made to the President at his request in writing and shall be signed by a majority of the committee. Minority reports may be submitted to the president and shall be signed by those so reporting.

10.4 In the absence of other authority, that the deliberations of this Guild shall be governed by Atwood's Rules for Meetings.

10.5 Where authorized by the executive board, committees may be considered dormant until called upon.

Article - 11 Amending the Constitution and By-Laws

11.1 The Constitution and By-Laws of this Guild may be amended by a two-thirds majority vote by referendum ballot, provided that the text of the proposed amendment shall be posted on the Guild's web site and/or the Guild bulletin boards at each station at least seven (7) days prior to the vote. The amendments must be in writing and filed with the Guild Secretary/Treasurer.

Article - 12 Procedure for the Acquisition of Legal Help

12.1 Request for legal consultation must be made before the Executive Board. Upon hearing the request, the Executive Board will vote to either allow or deny one consultation with an attorney approved by the Executive Board. All costs must be pre-approved.

12.2 On approval, two Executive Board members shall be present with the member at the consultation. The member shall then inform the rest of the Executive Board with the information gathered.

If a member feels the case should go beyond a single consultation the member shall:

1. Provide a written deposition explaining why and present it to the Executive Board.
2. Members requesting further financial aid shall then present their case to the Guild Body.
3. The Executive Board will present its findings and give a recommendation to the Guild Body.
4. Approval or disapproval will be granted by the Guild Body, only after the above process is completed.

Article - 13 Management of Funds or Property

13.1 The money and property of this Guild shall be used solely for the benefit of the Guild and its members and not for the personal gain or profit of any officer or member. Guild officers, agents, representatives, and employees who handle the Guild's funds or property shall be held accountable for any breach thereof under this Constitution and By-Laws and as provided by law.

Article - 14 Audit

14.1 The books and accounts of this Guild shall be audited periodically and upon a discovery of a discrepancy.

From: [Baker, Cale](#)
To: [PERC, Filing \(PERC\)](#)
Cc: [de la Rosa, Dario \(PERC\)](#); [Lawry, Chad](#)
Subject: Vancouver Fire Department Guild - Representation Petition and Showing of Interest Cards
Date: Friday, October 4, 2019 12:32:14 PM
Attachments: image001.png
Representation Petition Form Signed.pdf
Showing of interest cards signed.pdf
VFDG Constitution and By-Laws.docx

Good Afternoon,

As you may already know, we (the Vancouver Fire Marshal's Office) are petitioning to separate from our current union (Local 452) and become our own (Vancouver Fire Department Guild).

Attached is our signed and completed Representation Petition Form and all Showing of Interest Cards, as well as our constitution/by-laws. Below is the link for our current union IAFF Local 452 CBA.

https://www.cityofvancouver.us/sites/default/files/fileattachments/human_resources/page/888/dfm_contract_2017-2019_signed.pdf

Please let us know if there is anything else you need from us.

Thank you,

Cale Baker | Deputy Fire Marshal



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