

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

WASHINGTON STATE COUNCIL OF
COUNTY AND CITY EMPLOYEES

Involving certain employees of:

SKAGIT COUNTY

CASE 128786-E-17

DECISION 12687 - PECB

DIRECTION OF CROSS-CHECK

Dean Tharp, Staff Representative, for the Washington State Council of County and City Employees.

Robert R. Braun Jr., Labor Consultant, Braun Consulting Group, for Skagit County.

On February 16, 2017, the Washington State Council of County and City Employees (union) filed a petition seeking certification as the exclusive bargaining representative of the office and technical support employees working in the Public Defender's Office for Skagit County (employer). Representation Case Administrator Dario de la Rosa conducted an investigation. The parties stipulated to the appropriateness of the petitioned-for bargaining unit but disagreed about the method to determine the question concerning representation. The employer objected to the use of the cross-check process and expressed a preference for a mail ballot election. A cross-check is appropriate.

ANALYSIS

Applicable Legal Standards

This agency may determine questions concerning representation by either “(a) [e]xamination of organization membership rolls; (b) comparison of signatures on organization bargaining authorization cards; or (c) conducting an election specifically therefor.” RCW 41.56.060. A “comparison of signatures on organization bargaining authorization cards” is called a cross-check and involves comparing an employee’s signature on his or her authorization card against the

employee's signature on an existing employment record. If the signatures match, then the employee is deemed to have voted in favor of representation.

In order for the cross-check method to be used, the labor organization must (1) be the only organization petitioning to represent the at-issue employees and (2) submit a showing of interest demonstrating that at least 70 percent of the employees signed valid showing of interest cards in support of the labor organization. In *City of Redmond*, Decision 1367-A (PECB, 1982), and numerous subsequent decisions, the Commission and the Executive Director have refused to ignore the cross-check option or to write it out of the statute. Accordingly, the fact that an employer expresses a preference for the question concerning representation to be resolved by an election is not sufficient to disregard the statute and rule.

Application of Standards

The wording on the showing of interest cards in this case clearly indicates that, by signing the card, the employee wishes to be represented by the union for the purposes of collective bargaining. Employees can be expected to read and give importance to the showing of interest cards they sign for a union. Employees can also be expected to read and give importance to any notice from this agency that is posted in the employer's workplace. The proposed bargaining unit description will be included on the investigation statement issued under WAC 391-25-220.

The union submitted a showing of interest in excess of the 70 percent required by WAC 391-25-391. Accordingly, this matter may be resolved through the cross-check procedures. If an employee desires to withdraw his or her authorization card in advance of a cross-check, the procedure for doing so is detailed in WAC 391-25-410(2). The instructions for an employee to withdraw his or her showing of interest card will be explained in the investigation statement.

ORDER

1. The employer shall immediately supply the Commission with copies of documents from its employment records which bear the signatures of the employees on the eligibility list stipulated by the parties.

2. A cross-check of records shall be made by the staff of the Public Employment Relations Commission for the appropriate bargaining unit described as

All full-time and regular part-time office and technical support employees employed by Skagit County in the Public Defender's Office, excluding supervisors, confidential employees, and all other employees.

to determine whether a majority of the employees in that bargaining unit have authorized the Washington State Council of County and City Employees to represent them for purposes of collective bargaining.

ISSUED at Olympia, Washington, this 4th day of May, 2017.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MICHAEL P. SELLARS, Executive Director

This order may be appealed by filing timely objections with the Commission pursuant to WAC 391-25-590.



PUBLIC EMPLOYMENT RELATIONS COMMISSION

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RECORD OF SERVICE - ISSUED 05/04/2017

DECISION 12687 - PECB has been mailed by the Public Employment Relations Commission to the parties and their representatives listed below:


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CASE NUMBER: 128786-E-17

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