

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:	)	
	)	
TEAMSTERS UNION, LOCAL 763	)	CASE 20833-E-06-3210
	)	
Involving certain employees of:	)	DECISION 9649 - PECB
	)	
SHORELINE WATER DISTRICT	)	DIRECTION OF CROSS-CHECK
	)	
_____	)	

Robert McCauley, Business Agent, for the union.

Davis Grimm Payne and Marra, by Joseph G. Marra, Attorney at Law, for the employer.

On December 22, 2006, Teamsters Union, Local 763 (union) filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission, seeking certification as exclusive bargaining representative of a unit of office-clerical and maintenance employees of Shoreline Water District (employer). An investigation conference was held on February 8, 2007, where the employer questioned the appropriateness of the bargaining unit and objected to inclusion of some employees in the unit. On March 27, 2007, a hearing was held before Hearing Officer Sally B. Carpenter.

At the hearing, the employer withdrew its former position and the following issues were framed by the parties: All positions requested by the union petition should be included in the unit (1) with the agreed exclusion of Shawna Crane, Customer Service Specialist, as a confidential employee, and (2) with the to-be-determined-by-the-Commission exclusion of Amalia Hill, Accounting Specialist, as a confidential employee.

ISSUE

Should a cross-check be directed when only one position is left to be determined for inclusion or exclusion from the bargaining unit?

The Executive Director rules that a cross-check is appropriate.

APPLICABLE LEGAL PRINCIPLES

RCW 41.56.010 provides that public employees have the right to "join labor organizations of their own choosing and to be represented by such organizations in matters concerning their employment relations with public employers." To effectuate employee rights, Chapter 391-25 WAC governs proceedings on petitions for questions concerning representation.

WAC 391-25-110 requires a union to file its petition together with signed authorization cards or letters from employees wishing to be represented. WAC 391-25-110(2) protects the confidentiality of authorization cards, and designates the Commission as the sole decider of whether there are sufficient cards for a showing of interest. The Commission has made an administrative determination that there are sufficient cards to direct a cross-check, as provided in WAC 391-25-391:

WAC 391-25-391 SPECIAL PROVISION -- PUBLIC EMPLOYEES. (1) Where only one organization is seeking certification as the representative of unrepresented employees, and the showing of interest submitted in support of the petition indicates that the organization has been authorized by in excess of seventy percent of the employees to act as their representative for the purposes of collective bargaining, the executive director may issue a direction of cross-check.

Cross-check procedures are prescribed in WAC 391-25-410:

WAC 391-25-410 CROSS-CHECK OF RECORDS.

. . . .  
(3) The employer shall make available to the agency original or legible copies of employment records maintained as a part of its business records containing the names and signatures of the employees in the bargaining unit.

. . . .  
(6) All cross-checks shall be by actual comparison of records furnished by the parties. The agency shall not disclose the names of employees giving representation authorization in favor of the organization. Upon the conclusion of the comparison of records, the agency shall furnish to the parties a tally sheet containing the number of employees in the bargaining unit, the number of employee records examined and the number of employee records counted as valid evidence of representation.

ANALYSIS

Examination of the case file shows that the union submitted a showing of interest in excess of the 70 percent required by WAC 391-25-391.

The Executive Director deems it appropriate to proceed with a cross-check for the purposes of determining the exclusive bargaining representative.

NOW, THEREFORE it is

ORDERED

The employer shall immediately supply the Commission with copies of documents from its employment records which bear the signatures of all employees in the bargaining unit described below, other than General Manager Stuart Turner, Operations Manager Denny Clouse,

Finance Manager Mary O'Day, Customer Service Specialist Shawna Crane, and Accounting Specialist Amalia Hill.

A cross-check of records shall be conducted by the staff of the Public Employment Relations Commission in the appropriate bargaining unit described as:

All full-time and regular part-time office-clerical and maintenance employees of Shoreline Water District excluding supervisors and confidential employees.

to determine whether a majority of the employees in that bargaining unit have authorized Teamsters Union, Local 763 to represent them for purposes of collective bargaining.

ISSUED at Olympia, Washington, this 24<sup>th</sup> day of April, 2007.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



CATHLEEN CALLAHAN, Executive Director

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