

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
)	
KIM BARR and TISH EVORA)	CASE 13857-E-98-2317
)	
Involving certain employees of:)	DECISION 6344-A - PECB
)	
LAKE WASHINGTON TECHNICAL COLLEGE)	ORDER DISMISSING
)	ELECTION OBJECTIONS
)	

Kim Barr and Tish Evora, appeared as the petitioner.

Greg Roberts, Personnel Director, appears on behalf of the employer.

Evelyn Reider, Union Representative, appeared on behalf of the intervenor, Lake Washington Technical College Federation of Classified Employees/WFT.

The Committee in Favor of Decertification, appeared pro se.

This case comes before the Commission on election objections filed by The Committee in Favor of Decertification.

BACKGROUND

On April 20, 1998, Kim Barr and Tish Evora filed a petition for investigation of question concerning representation with the Public Employment Relations Commission under Chapter 391-25 WAC, seeking to decertify the Washington Federation of Teachers (WFT) as exclusive bargaining representative of a bargaining unit of office

clerical employees and instructional assistants employed by Lake Washington Technical College.

An investigation conference was held on June 3, 1998, by telephone conference call. A Statement of Results of Investigation Conference issued on that date by Representation Coordinator Sally Iverson, stated the stipulations made by the parties at the investigation conference, and controls the subsequent course of proceedings in the absence of any timely objections. The eligibility cut-off date was establish as June 3, 1998, and June 24, 1998 was set as the date of the election.

Notices of the election were mailed to the employer for posting on June 10, 1998, and the election was conducted by mail ballot under WAC 391-25-470. When the ballots were opened on June 24, 1998, the results were as follows:

APPROXIMATE NUMBER OF ELIGIBLE VOTERS	<u>57</u>
VOID BALLOTS	<u>0</u>
VOTES CAST FOR <u>WFT</u>	<u>38</u>
VOTES CAST FOR <u>NO REPRESENTATION</u>	<u>7</u>
VALID BALLOTS COUNTED	<u>45</u>
CHALLENGED BALLOTS CAST	<u>0</u>
VALID BALLOTS COUNTED PLUS CHALLENGED BALLOTS	<u>45</u>
NUMBER OF VALID BALLOTS NEEDED TO DETERMINE ELECTION.	<u>29</u>

A tally of ballots was issued under WAC 391-25-550, and was served on June 24, 1998.

No objections were filed within seven days after the tally was issued. On July 2, 1998, Executive Director Marvin L. Schurke certified the Lake Washington Technical College Federation of Classified Employees/WFT as the exclusive bargaining representative of the bargaining unit described as:

ALL FULL-TIME AND REGULAR PART-TIME OFFICE CLERICAL EMPLOYEES AND INSTRUCTIONAL ASSISTANTS INCLUDING THOSE ON APPROVED LEAVE OF ABSENCE, EMPLOYED BY THE LAKE WASHINGTON TECHNICAL COLLEGE IN CLASSIFICATIONS INCLUDING BUT NOT LIMITED TO, ADMINISTRATIVE SECRETARY, SCHOOL SECRETARY, MEDIA TECHNICIAN, ACCOUNTING TECHNICIAN, CASHIER, OFFICE ASSISTANT, WORD PROCESSOR, PAYROLL TECHNICIAN, PERSONNEL TECHNICIAN AND REGISTRATION TECHNICIAN.

Under WAC 391-25-610, the Executive Director's issuance of a certification was the final order of the agency.

On July 6, 1998, the Commission received a document which bears only a type-written signature: "The Committee in Favor of Decertification". The text of that document states objections to the election, claiming: the union president had given misleading information; a meeting agenda had an attachment that included an attempt to make staff believe the union was responsible for certain benefits; an e-mail cost figure for a grievance awaiting arbitration was minimized; a paper signed by supporters of the classified union included signatures, half of which were not classified staff, and therefore was misleading; a newsletter issued a misleading statement that without unions employees could be working six days a week and ten or more hours a day; an April 20th memo from Renee Raymond stating the union was responsible for benefits was inaccurate; and meeting minutes of April 17, 1998 were inaccurate. The union is accused of making misleading and false statements, and it is claimed that the outcome of the vote would have been different without the distribution of such propaganda. Copies of documents were enclosed, in support of the contentions.

All election objections are decided by the Commission. The objections filed on July 6, 1998, are now before the Commission for a ruling.

DISCUSSION

The procedures for appealing the results of a representation election conducted by the Commission are as follows:

WAC 391-25-590 FILING AND SERVICE OF OBJECTIONS. **Objections must be filed within seven days after the tally has been served** under WAC 391-25-410 or under WAC 391-25-550.

(1) Objections filed by the petitioner, the employer or any intervenor may consist of:

(a) Designation of specific conduct improperly affecting the results of the election; and/or

(b) Designation of one or more previous rulings or directions in the matter which the objecting party desires to have reviewed by the commission.

(2) Objections filed by individual employees are limited to conduct or procedures which prevented them from casting a ballot.

(3) Objections shall contain, in separate numbered paragraphs, statements of the specific conduct, if any, alleged to have improperly affected the results of the election and, in separate numbered paragraphs, the specific rulings or directions, if any, which the party filing the objections desires to have reviewed.

(4) The original and three copies of the objections shall be filed with the commission at its Olympia office, and the party filing the objections shall serve a copy on each of the other parties to the proceedings. Objections must be timely filed, whether or not challenged ballots are sufficient in number to affect the results of the election.

[Emphasis by **bold** supplied.]

The procedure for deciding election objections varies from case to case.

Generally, the first question before the Commission is whether the objections filed are timely. The Commission routinely dismisses objections that do not meet the time requirements of the rule. See, e.g., Spokane County, Decision 4827-A (PECB, 1994), Colville School District, Decision 5319-B (PECB, 1996), and Clallam County Parks and Recreation, Decision 6285 (PECB, 1998). In this case, the objections filed by The Committee in Favor of Decertification were filed July 6, 1998, after the seven day period for filing objections stated in WAC 391-25-590. Therefore, the objections are untimely and must be dismissed.

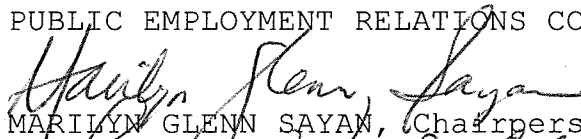
NOW, THEREFORE, it is


ORDERED

The objections filed by The Committee in Favor of Decertification are DISMISSED, and the certification issued by Marvin L. Schurke on July 2, 1998 stands as the certification of exclusive bargaining representative of the bargaining unit described in that certification.

Issued at Olympia, Washington, on the 21st day of July, 1998.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


SAM KINVILLE, Commissioner


JOSEPH W. DUFFY, Commissioner