

City of Cheney, Decision 6824 (PECB, 1999)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:	)	
	)	
WASHINGTON STATE COUNCIL OF	)	
COUNTY AND CITY EMPLOYEES	)	CASE 14492-E-99-2420
	)	
Involving certain employees of:	)	DECISION 6824 - PECB
	)	
CITY OF CHENEY	)	DIRECTION OF CROSS-CHECK
	)	
	)	

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Bill Keenan, Organizer, appeared on behalf of the union.

Mark Cassidy, Attorney at Law, and Diane Showalter, Personnel Director, appeared on behalf of the employer.

On April 12, 1999, the Washington State Council of County and City Employees, filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission under Chapter 391-25 WAC, seeking certification as exclusive bargaining representative of certain employees of City of Cheney. An investigation conference was conducted by telephone conference call on September 13, 1999. The parties disagreed about the method to determine the question concerning representation. The union stated a preference for a cross-check, while the employer objected to the use of the cross-check procedure. The dispute concerning methodology was referred to the Executive Director.

RCW 41.56.060 sets forth the methods for determining questions concerning representation:

The Commission shall determine the bargaining representative by (1) examination of organiza-

tion memberships roles, (2) comparison of signatures on organization bargaining authorization cards, or (3) by conducting an election specifically therefor.

The Commission's rules limit the availability of the "cross-check" procedure, as follows:

WAC 391-25-391 Special Provision--Public Employees. Where **only one organization is seeking certification** as the representative 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. The direction of cross-check and any accompanying rules shall not be subject to review by the Commission except upon objections timely filed under WAC 391-25-590.

[Emphasis by **bold** supplied]

Employers occasionally oppose the use of the cross-check procedure on the basis of a general preference for elections. Such general preferences are not, however, sufficient to disregard the rule.

Examination of the case file indicates that the union submitted the kind of substantial showing of interest required by WAC 391-25-391. A showing of interest in excess of 70% inherently indicates little likelihood of an election altering the result. The showing of interest is confidential under WAC 391-25-210, and cannot be the subject of a hearing. If employees desire to withdraw their authorization cards, the procedure for doing so is detailed in WAC 391-25-410(2).

DIRECTION OF CROSS-CHECK

1. A cross-check of records shall be made under the direction of the Public Employment Relations Commission in the appropriate bargaining unit described as:


ALL FULL-TIME AND REGULAR PART-TIME MID-LEVEL MANAGEMENT AND ADMINISTRATIVE PERSONNEL OF THE CITY OF CHENEY, 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.

2. 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.

Issued at Olympia, Washington, on the 16<sup>th</sup> day of September, 1999.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
MARVIN L. SCHURKE, Executive Director

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