

Port of Seattle, Decision 7175 (PECB, 2000)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)
)
INTERNATIONAL LONGSHORE AND)
WAREHOUSE UNION, LOCAL 9) CASE 15336-E-00-2561
)
Involving certain employees of:) DECISION 7175 - PECB
)
PORT OF SEATTLE) DIRECTION OF CROSS-CHECK
)
_____)

Schwerin Cambell & Bernard by Dmitri Iglitzin, Attorney at Law, and Anton J. Hutter, Union Secretary Treasurer, appeared on behalf of the union.

Herman Wacker, Labor Consultant, appeared on behalf of the employer.

On August 11, 2000, the International Longshore and Warehouse Union, Local 9, 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 Ground Access Administration Employees of Port of Seattle.

An investigation conference was conducted by telephone conference call on September 14, 2000. 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 organization 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 GROUND ACCESS ADMINISTRATION EMPLOYEES OF THE PORT OF SEATTLE AT THE SEATTLE INTERNATIONAL AIRPORT, EXCLUDING SUPERVISORS, CONFIDENTIAL EMPLOYEES, AND ALL OTHER EMPLOYEES.

to determine whether a majority of the employees in that bargaining unit have authorized the International Longshore and Warehouse Union, Local 9, 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 18th day of September, 2000.

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.