

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:	)	
	)	
WASHINGTON FEDERATION OF	)	
STATE EMPLOYEES	)	CASE 17663-E-03-2859
	)	
Involving certain employees of:	)	DECISION 8307 - PSRA
	)	
WASHINGTON STATE - HEALTH CARE	)	ORDER DISMISSING
AUTHORITY	)	ELECTION OBJECTIONS
	)	
	)	

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*Gladys Burbank*, Director of Activities, for the union.

*Kelly Gwin*, Human Resources Manager, for the employer.

*Deborah A. Reams*, pro se.

This case comes before the Commission on objections filed by Deborah A. Reams, a bargaining unit employee who seeks to overturn the results of a representation election. The Commission dismisses the objections and remands the case to the Executive Director for the issuance of the appropriate certification.

BACKGROUND

On July 8, 2003, the Washington Federation of State Employees (union), filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission under Chapter 391-25 WAC, seeking certification as the exclusive bargaining representative of certain employees of the employer. At an investigation conference conducted on August 7, 2003, the

parties agreed to the following description of an appropriate bargaining unit:

All civil service employees of the Washington State Health Care Authority covered under RCW 41.80, excluding supervisors, confidential employees, employees exempt from civil service and WMS employees.

Ballots were mailed on August 20, 2003. The tally of ballots was conducted on September 4, 2003. A corrected tally sheet issued on September 8, 2003, indicates:

Approximate number of eligible voters . . . . .	183
Void ballots . . . . .	5
Votes cast for WA Federation of State Employees . . . . .	65
Votes cast of No Representation . . . . .	51
Valid ballots counted . . . . .	116
Challenged ballots cast . . . . .	2
Number of valid ballots needed to determine election . . . . .	60

Thus, the results of the election were conclusive, and it appeared that the union would be entitled to certification in the absence of valid objections.

The objections now before the Commission were filed by Deborah Reams on September 10, 2003. The employee filed several documents describing her "Objection to conduct which prevented Health Care Authority eligible employees from casting a ballot." The following is a summary of her claims:

- Some eligible voters may have been influenced not to vote due to inappropriate conduct exhibited by the union organizing committee.

- All eligible voters were prevented from having access to information other than materials provided by the union organizing committee, denying their right to review information from both sides.
- A member of the organizing committee coerced and pressured other employees, creating an uncomfortable environment at the workplace.
- Employees felt fearful they would be retaliated against if their views about the union were known, or if they requested "non-union" information.
- A member of the organizing committee stole "non-union" flyers created by Reams out of employees' mail slots, denying access to alternative information.

Neither the employer or any intervenor filed a timely objection under WAC 391-25-590.

On September 10, 2003, the Executive Director requested responses to the objections from the union and employer under WAC 391-25-630. The union's response filed on September 22, 2003, included a motion for dismissal of the objections for lack of standing. The employer responded on September 23, 2003, stating that Reams had been given permission to post materials regarding the union election, provided that she use her own resources. The employer reported no misuse of state resources.

### DISCUSSION

The issue before the Commission is whether the employee who filed the objections has standing to pursue the allegations she advances.

We find that she does not. The procedures for filing objections to conduct improperly affecting the results of a representation election conducted by the Commission are in WAC 391-25-590:

WAC 391-25-590 FILING AND SERVICE OF OBJECTIONS TO IMPROPER CONDUCT AND INTERIM ORDERS. The due date for objections is seven days after the tally has been served under WAC 391-25-410 or under WAC 391-25-550, regardless of whether challenged ballots are sufficient in number to affect the results of the election. The time period for objections cannot be extended.

(1) Objections by the petitioner, the employer or any intervenor shall set forth, in separate numbered paragraphs:

(a) The specific conduct which the party filing the objection claims has improperly affected the results of the election; and/or

(b) The direction of election, direction of cross-check or other interim rulings which the objecting party desires to appeal to the commission.

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

(3) Any objections shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and the party filing the objections shall serve a copy on each of the other parties to the proceedings as required by WAC 391-08-120(3) and (4).

(emphasis added). Thus, individual employees can protect their right to vote, but do not have the same rights as the employer or a union that has supplied a showing of interest.

Reams does not claim she was prevented from casting a ballot. In fact, she actually voted. She only takes issue with the communications between the union organizing committee and the employees eligible to vote in the election. See *South Kitsap School District*, Decision 5676 (PECB, 1996). Thus, her objection must be dismissed for lack of standing. See *Clallam County Parks and*

*Recreation District*, Decision 6285 (PECB, 1998); *Colville School District*, Decision 5319-B (PECB, 1996).

NOW, THEREFORE, it is

ORDERED

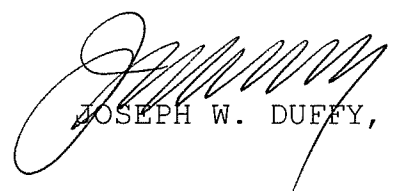
1. The objections filed by bargaining unit employee Deborah A. Reams are DISMISSED for lack of standing.
2. The case is remanded to the Executive Director for issuance of a certification based on the corrected tally of election ballots issued September 8, 2003.

Issued at Olympia, Washington, on the 9th day of December, 2003.

PUBLIC EMPLOYMENT RELATIONS Commission

  
MARILYN GLENN SAYAN, Chairperson

  
SAM KINVILLE, Commissioner

  
JOSEPH W. DUFFY, Commissioner