STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:	)	
	)	
DAVID BARTELHEIM	)	CASE 19336-E-05-3057
	)	
Involving certain employees of:	)	DECISION 8960-C - PSRA
	)	
COMMUNITY COLLEGE DISTRICT 3 - OLYMPIC	)	ORDER DETERMINING CHALLENGED BALLOTS
	)	

David Bartelheim appeared *pro se*.

Linda Yerger, Human Resources Director, for the employer.

Herb Harris, Organizer, for the incumbent intervenor, Washington Public Employees Association.

This case is before the Executive Director under WAC 391-25-510, for rulings on three challenged ballots cast in an election held under the Personnel System Reform Act of 2002, Chapter 41.80 RCW (PSRA), on September 28, 2005.[1] The petitioner, the Washington Public Employees Association (union), and Community College District 3 (employer) filed letters setting forth their positions.

---

[1] The tally of ballots issued on September 28, 2005, showed the following results:

1.	Approximate Number of Eligible Voters . . .	23
2.	Void Ballots	[0]
3.	Votes Cast for WPEA	11
. . .		
6.	Votes Cast for No Representation	9
7.	Valid Ballots Counted	20
8.	Challenged Ballots	3
. . .		
11.	Challenged ballots: . . . Are sufficient in number to affect the outcome of the election.	

ISSUES

Three separate issues are presented for rulings by the Executive Director in this case, as follows:

1. Is the Summary Judgment procedure set forth in WAC 10-08-135 properly invoked for rulings on these challenged ballots?

2. Is David Bartelheim properly excluded from the bargaining unit as an "exempt" employee or "manager" based on changes effective September 1, 2005?

3. Is the eligibility cut-off date stipulated by the parties properly applied to sustain the challenges to the eligibility of Catherine Gray and Lynn Kitts, on the basis that they only became supervisors after August 12, 2005?

Rulings that Bartelheim was an eligible voter while Gray and Kitts were not eligible voters make the result of the election determinative, so that the ballot cast by Bartelheim is impounded to protect its secrecy. An amended tally of ballots is attached.

ISSUE 1 - PROPRIETY OF SUMMARY JUDGMENT

Legal Standards for Issue 1

The Model Rules adopted by the Chief Administrative Law Judge of the State of Washington in Chapter 10-08 WAC include authority for administrative agencies to issue summary judgments, as follows:

> WAC 10-08-135 SUMMARY JUDGMENT. A motion for summary judgment may be granted and an order issued if the written record shows that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.

In *State - General Administration*, Decision 8087-B (PSRA, 2004), the Commission pointed out the need for a hearing if there are any reasonably-contested facts,[2] but it did not altogether preclude the use of summary judgment in representation cases.

Analysis of Issue 1

In this case, the parties' written statements of position disclose no contested facts concerning the status of the challenged voters during the time period critical to determining their eligibility to vote in this election. The details of those facts are set forth in analysis of the individual situations, below.

Conclusion on Issue 1

Summary judgment is appropriate in this case, applying various provisions of law to the uncontested facts.

---

[2] The Commission wrote:

> Because a summary judgment involves making a final determination without the benefit of a full evidentiary hearing and record, the granting of such a motion cannot be taken lightly. *See Port of Seattle*, Decision 7000 (PECB, 2000). A summary judgment is only appropriate where the party responding to the motion cannot or does not deny any material facts alleged by the party making the motion. *See Pierce County*, Decision 7018-B (PECB, 2001); *City of Vancouver*, Decision 7013 (PECB, 2000); *Monroe School District*, Decision 5283 (PECB, 1985). A material fact is one upon which the outcome of the litigation depends. *Clements v. Travelers Indem. Co.*, 121 Wn.2d 243 (1993). The Supreme Court of the State of Washington has held that, in ruling on a motion for summary judgment, a court must consider the material evidence and all reasonable inferences therefrom most favorably to the nonmoving party, and that the motion must be denied if reasonable people might reach different conclusions as to the facts (i.e., when a genuine issue of material fact is presented). *Wood v. City of Seattle*, 57 Wn.2d 469 (1960).

ISSUE 2 - ELIGIBILITY OF DAVID BARTELHEIM

The union acknowledges that it did not contest the eligibility of David Bartelheim when he filed the petition to initiate this proceeding, or when he was an eligible voter in the vacated election, but it asserts that Bartelheim ceased to be an eligible voter because of a change of his duties on September 1, 2005. The argument is not persuasive.

Validity of Petition Not in Question

The union at least impliedly questions the validity of the entire proceeding, by claiming that the individual who filed the petition is no longer employed within the bargaining unit. The argument is not persuasive.

The legal standards applicable here include precedent for dismissing a representation petition filed by an individual excluded from the bargaining unit involved,[3] but also include that stipulations made by parties in representation cases are enforced throughout the processing of the case, unless excused for good cause.[4]

Analysis of the processing of this case supports a conclusion that the union should be held to its earlier stipulation, and that the case has been removed from Bartelheim's control or influence:

- It is undisputed that Bartelheim was a supervisor in the classified service under Chapter 41.06 RCW on March 30, 2005, when he filed the petition to initiate this proceeding. Thus, he had legal standing to file at that time.

---

[3] *Kitsap County*, Decision 2116 (PECB, 1984).

[4] *Community College 5 (Everett/Edmonds)*, Decision 448 (CCOL, 1978).

- Following an investigation conference where the parties stipulated that Bartelheim was an eligible voter,[5] the Commission staff conducted a representation election.

- The Commission vacated the results of the first election and ordered the new election in which the challenged ballots now before the Executive Director were cast.[6]

Any framing of a question concerning representation under the PSRA takes the situation out of the hands of the parties, because the Commission has exclusive authority to determine questions concerning representation.[7]

The conclusion on legal standing is that there is no basis to now question the propriety of Bartelheim's filing of this case.

---

[5] Bartelheim initially sought decertification of the union as exclusive bargaining representative of "all classified employees" of the employer. The bargaining unit was thus narrowed from the "149" estimated in the petition to approximately 28 employees.

[6] *Community College 3 (Olympic)*, Decision 8960-B (PSRA, 2005).

[7] Like the exclusion of unit determination from the usual mandatory/permissive/illegal subjects for bargaining, under *City of Richland*, Decision 279-A (PECB, 1978), *aff'd*, 29 Wn. App. 599 (1981), *review denied*, 96 Wn.2d 1004 (1981), the determination of questions concerning representation is a state function. Chapter 41.80 RCW does not contain the tolerance of "voluntary recognition" which can be gleaned (by reverse implication) from RCW 41.56.050, and RCW 41.80.005(9) specifically limits "exclusive bargaining representative" status to organizations certified under the statute. That reflects the practices which existed under prior law, where the Washington Personnel Resources Board and its predecessors (the State Personnel Board and the Higher Education Personnel Board) formally created all bargaining units and relationships by written orders.

The "Washington Management Service" Provisions Do Not Apply

The union cites RCW 41.06.022 in this case involving classified employees of a state institution of higher education. That statutory provision is inapplicable as a matter of law, however.

The legal standards on this issue include both State Civil Service Law provisions and PSRA provisions:

> RCW 41.06.020 DEFINITIONS. Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.
>
> (1) *"Agency" means an office, department, board, commission, or other separate unit or division, however designated, of the state government* and all personnel thereof; it includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.
>
> . . .
>
> (12) *"Institutions of higher education" means* the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and *the various state community colleges.*
>
> . . .
>
> RCW 41.06.022 "MANAGER"--DEFINITION. For purposes of this chapter, "manager" means any employee who:
>
> (1) Formulates statewide policy or directs the work of *an agency or agency subdivision;*
>
> (2) Is responsible to administer one or more *statewide policies or programs of an agency or agency subdivision;*
>
> (3) Manages, administers, and controls a local *branch office of an agency or agency subdivision,* including the physical, financial, or personnel resources;
>
> (4) Has substantial responsibility in personnel administration, legislative relations, public information, or the preparation and administration of budgets; or
>
> (5) Functionally is above the first level of supervision and exercises authority that is not merely routine

> or clerical in nature and requires the consistent use of independent judgment.
>
> No employee who is a member of the Washington management service may be included in a collective bargaining unit established under RCW 41.80.001 and 41.80.010 through 41.80.130.
>
> . . .
>
> RCW 41.80.005 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.
>
> . . .
>
> (6) "Employee" means any employee, including employees whose work has ceased in connection with the pursuit of lawful activities protected by this chapter, covered by chapter 41.06 RCW, except:
>
> . . .
>
> (c) Members of the Washington management service;
>
> . . .
>
> (12) "Manager" means "manager" as defined in RCW 41.06.022. . . .

(emphasis added).

Analysis of the "Washington Management Service" Claim readily yields a conclusion that only an issue of law is involved. The Washington Management Service only exists in the general government agencies of the state, and does not apply to this employer.

Conclusion on the "Washington Management Service" Claim is that RCW 41.06.022 and the exclusion of "managers" from the coverage of the PSRA.

The Exemptions from Civil Service Do Not Apply

The union appears to assert that Bartelheim's present duties and responsibilities could provide basis for placing him in exempt status. The statutory provisions on exempt status are inapplicable as a matter of law, because they have not been invoked.

The legal standards on exempt status include State Civil Service Law provisions, PSRA provisions, and civil service rules:

> RCW 41.06.070 EXEMPTIONS - RIGHT OF REVERSION TO CIVIL SERVICE STATUS - EXCEPTION. (1) The provisions of this chapter do not apply to:
>
> . . .
>
> (2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:
>
> (a) Members of the governing board of each institution of higher education and related boards, all presidents, vice-presidents, and their confidential secretaries, administrative, and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; *principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution* or related board. . . .
>
> . . .
>
> RCW 41.80.005 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.
>
> . . .
>
> (6) *"Employee" means any employee, . . . covered by chapter 41.06 RCW. . . .*
>
> . . .
>
> WAC 357-04-025 WHAT RIGHTS DOES A CLASSIFIED EMPLOYEE HAVE WHEN THE POSITION HE/SHE HOLDS IS EXEMPTED FROM THE CIVIL SERVICE RULES? As required by RCW 41.06.070(3) and 41.06.170, an employee holding a classified position has the following rights if the position is exempted from the application of the civil service rules:
>
> . . .
>
> (2) The employee may appeal the exemption of the position in accordance with chapter 357-52 WAC.
>
> . . .
>
> WAC 357-04-105 WHEN THE CIVIL SERVICE RULES REQUIRE AN APPLICANT, CANDIDATE, EMPLOYEE, OR EMPLOYER TO RECEIVE NOTICE, HOW MUST NOTICE BE PROVIDED? (1) Except as provided in chapters 357-40 and 357-52 WAC, when the civil service rules require an applicant, candidate, employee, or employer to receive notice, the *notice must*

> *be provided by personal delivery, United States mail, or by telephone facsimile transmission with same-day mailing of copies* unless the specific rule requiring notice allows for alternative methods of providing notice such as electronic mail ("e-mail"), state mail service, commercial parcel delivery or campus mail service.
>
> (2) Except as provided in chapters 357-40 and 357-52 WAC, service of notice upon parties will be regarded as completed when personal delivery has been accomplished; or upon deposit in the United States mail, properly stamped and addressed; or upon production by telephone facsimile transmission of confirmation of transmission. When a specific rule allows alternative methods of service, service upon parties will be regarded as completed when it is actually received by the party to which notice is being provided.

(emphasis added). Thus, documentation is required to trigger the right of appeal under WAC 357-52-010(4) which accompanies moving an individual into exempt status (and thereby depriving him/her of the rights and protections of the State Civil Service Law).

Analysis of "should be exempt" claim discloses no contest as to the critical fact. The employer included Bartelheim's name on the fresh list of employees that it provided on August 30, 2005. The employer and Bartelheim both acknowledge that Bartelheim was given additional supervisory duties on or about September 1, 2005, but they both assert (and the union does not contradict) that he remains a classified employee under Chapter 41.06 RCW. The union proposed exclusion of Bartelheim during an investigation conference held on September 8, 2005. Importantly, the union has never claimed that Bartelheim has been issued the documentation that would be necessary to move him into exempt status under RCW 41.06.070 and the civil service rules.

Conclusion on the exempt status claim is that RCW 41.06.070 has not been invoked. Regardless of whether Bartelheim could now be exempted from the coverage of the State Civil Service Law, that has

not occurred up to this time. He thus remains an eligible voter in the bargaining unit involved in this proceeding.[8]

ISSUE 3 - APPLICATION OF ELIGIBILITY CUT-OFF DATE

The union contends that both Catherine Gray and Lynn Kitts were not supervisors as of the eligibility cut-off date stipulated by the parties for the re-run election. The stipulated eligibility cut-off date is properly enforced as a matter of law, in the absence of contrary factual claims.

The legal standards applicable to this issue include Commission rules embracing a well-accepted practice:

- The "eligibility cut-off date" concept was developed by the National Labor Relations Board through a long line of case precedents issued in its administration of the federal law regulating the collective bargaining process in most of the private sector. *See*, for example, *Plymouth Towing Co.*, 178 NLRB 651 (1969); *Greenspan Engraving Corp.*, 137 NLRB 1308 (1962); *Gulf States Asphalt Co.*, 106 NLRB 1212 (1953); *Reade Mfg. Co.*, 100 NLRB 87 (1951); *Bill Heath, Inc.*, 89 NLRB 1555 (1949); *Macy's Missouri-Kansas Division v. NLRB*, 389 F.2d 835 (8th Circuit, 1968); and *Beverly Manor Nursing Home*, 310 NLRB

---

[8] This decision and another decision issued today (*Community College 10 (Green River)*, Decision 8751-A (PSRA, 2005)), reach opposite results applying a common principle of law to divergent facts. Here, the absence of claim or evidence that the employer has taken the steps required to exempt the individual from the coverage of the State Civil Service Law is determinative; in the *Green River* case, the fact that the employer's pen has "writ [and moved] on" is determinative. *See City of Mukilteo*, Decision 1571-B (PECB, 1983) concurring opinion of Commissioner Mary Ellen Krug.

not occurred up to this time. He thus remains an eligible voter in the bargaining unit involved in this proceeding.[8]

ISSUE 3 - APPLICATION OF ELIGIBILITY CUT-OFF DATE

The union contends that both Catherine Gray and Lynn Kitts were not supervisors as of the eligibility cut-off date stipulated by the parties for the re-run election. The stipulated eligibility cut-off date is properly enforced as a matter of law, in the absence of contrary factual claims.

The legal standards applicable to this issue include Commission rules embracing a well-accepted practice:

- The "eligibility cut-off date" concept was developed by the National Labor Relations Board through a long line of case precedents issued in its administration of the federal law regulating the collective bargaining process in most of the private sector. *See*, for example, *Plymouth Towing Co.*, 178 NLRB 651 (1969); *Greenspan Engraving Corp.*, 137 NLRB 1308 (1962); *Gulf States Asphalt Co.*, 106 NLRB 1212 (1953); *Reade Mfg. Co.*, 100 NLRB 87 (1951); *Bill Heath, Inc.*, 89 NLRB 1555 (1949); *Macy's Missouri-Kansas Division v. NLRB*, 389 F.2d 835 (8th Circuit, 1968); and *Beverly Manor Nursing Home*, 310 NLRB

---

[8] This decision and another decision issued today (*Community College 10 (Green River)*, Decision 8751-A (PSRA, 2005)), reach opposite results applying a common principle of law to divergent facts. Here, the absence of claim or evidence that the employer has taken the steps required to exempt the individual from the coverage of the State Civil Service Law is determinative; in the *Green River* case, the fact that the employer's pen has "writ [and moved] on" is determinative. *See City of Mukilteo*, Decision 1571-B (PECB, 1983), concurring opinion of Commissioner Mary Ellen Krug.

538 (1993) at footnote 3. Excluding some future bargaining unit employees from voting rights by establishing an eligibility cut-off date (usually the payroll period immediately preceding the date of the direction of election or election agreement under NLRB practice, which translates to the date of the investigation conference under Commission practice) is the price paid to avoid potential claims of mischief (or actual mischief) by an employer's last-minute hiring of new employees that could skew the election results.

- The Commission has explicitly embraced the "eligibility cut-off date" concept in at least WAC 391-25-220(a)(1)(viii), 391-25-230(1)(f), and 391-25-430(3).

The "parties stipulations are binding" principle applied above also applies to this issue. In *Community College 5 (Everett/ Edmonds)*, Decision 448 (CCOL, 1978), stipulations on eligibility that parties made at a pre-election conference in a representation case were enforced against a union that had a later change of heart. Buyer's remorse does not equate with the "good cause" required for a party to be excused from its stipulation.

Analysis of eligibility cut-off date issue supports a conclusion that neither Gray nor Kitts was an eligible voter. The Commission vacated the first election in this case on August 12, 2005, and the Commission staff requested a fresh list of eligible voters from the employer on August 16, 2005. An Investigation Statement issued following an Investigation Conference held on September 8, 2005, included:

> This statement is issued pursuant to WAC 10-08-130 to state the stipulations made by the parties at the Investigation Conference and to control the subsequent course of proceedings. WAC 391-25-220 requires that this

> statement be posted on the employer's premises for a period of at least seven days.
>
> 1. . . .
>
> c. The new eligibility list was prepared by the employer. *To be eligible, an employee must have been employed on August 12, 2005, . . . and must remain an employee on the date of the tally, September 28, 2005.*

There were no objections to that Investigation Statement, and it thus became binding on the parties.

Cathryn Gray was not on the list the employer filed on August 30, 2005. She came into question for this election on September 6, 2005, when the employer sent an e-mail message, as follows:

> We have a *newly assigned* supervisor. I have added her to the list.
>
> Cathryn Gray [Address omitted to protect employee's privacy]

(emphasis added).[9] The union disputed Gray's eligibility during the Investigation Conference held on September 8, 2005.

---

[9] A "Side note:" added by the employer was as follows:

> The supervisors' unit was established to include positions with specifications that included supervision-not necessarily assigned supervision. That was to avoid staff moving back and forth from one unit to another as their work assignment changes while remaining in the same classification.

The PSRA made any such intention obsolete, however. The focus of the "supervisor" definition in RCW 41.80.005(13) is on exercising authority over other civil service employees, and supervisors must be separated on that basis under RCW 41.80.070(1). That was the standard used in dividing historical units under WAC 391-35-026. *See Western Washington University*, Decision 8704-A (PSRA, 2005).

In support of its challenge to the ballot cast by Gray, the union wrote:

> Ms. Gray's name was on the original list supplied . . . for the first . . . election. Ms. Gray was challenged by WPEA because she did not supervise any classified staff and was a Supervisor in title only. . . . Her challenge in the Supervisors election was agreed to by both the Union and the employer and her vote was not counted.
>
> . . . According to the Investigation Statement, to be eligible an employee must have been employed and in the bargaining unit on August 12, 2005 . . . .
>
> On September 6, 2005, three weeks past the eligibility cut-off date, [the employer] sent an e-mail to the parties indicating that Cathryn Gray was now supervising a classified employee . . . .
>
> . . . Ms. Gray was not a supervisor at the time of the eligibility cut-off date, August 12, 2005.

The letter filed by the petitioner on September 30, 2005, included:

> Cathryn Gray is the Program Support Supervisor and has been in that position for at least four years. At one time Cathryn was Collenne Waszak's supervisor but . . . Collenne's supervision was shifted to the Director of Capital Facilities. Collenne's *recent promotion to Program Assistant . . . September 1, 2005* (to allow the Director the time to assume [other duties]) resulted in Collenne's supervision being shifted to Cathryn once again.

(emphasis added). Thus, the petitioner did not controvert the union's claim that Gray was not a supervisor as of August 12, 2005.

The letter filed by the employer on October 19, 2005, included:

> The College was in the midst of restructuring leadership roles in administrative services . . . . The restructuring was not limited to . . . Ms. Gray. . . .
> . . .

> Cathryn Gray, who is assigned to Facility Services, also was impacted by the restructure. An employee who had reported to the Director was assigned to report to Ms. Gray.

Compounding the "newly assigned" characterization it placed on Gray as of September 6, 2005, the failure of the employer to controvert the union's "not a supervisor as of August 12" claim in its letter leaves no contested issue as to the critical fact.

Lynn Kitts was on the list filed by the employer on August 30, 2005, but the union disputed Gray's eligibility during the Investigation Conference held on September 8, 2005. On September 22, 2005, the employer sent an e-mail message stating: "Lynn Kitts is officially supervising a classified employee. . . ."

In support of its challenge to the ballot cast by Kitts, the union wrote:

> Ms. Kitts was not on the original eligibility list submitted . . . for the first election. Ms. Kitts was on the August 26, 2005 list . . . but there was a caveat. Ms. Kitts was to replace another supervisor, Ellen Wixson, when Ms. Wixson retired at the end of September.
>
> Ms. Kitts was the Payroll Coordinator, who was promoted and was to take over for the Payroll Supervisor. . . . Although both Ms. Kitts and Ms. Wixson had the title of Payroll Supervisor, Ms. Kitts was actually doing the work of her former position of Payroll Coordinator.
>
> The parties were notified that on September 22, 2005, Olympic College had hired an employee to fill the Payroll Coordinator position.
>
> . . .
> [A]s the college did not hire anyone to replace Ms. Kitts . . . until September 22, 2005, six weeks past the eligibility cut-off date, she did not supervise anyone at the time of the August 12, 2005 eligibility cut-off date.

The letter filed by the petitioner on September 30, 2005, included:

> Lynn Kitts applied for and was hired into the position of Payroll Supervisor with the start date of August 1, 2005. The Payroll Supervisor position would soon become vacant due to the planned retirement of the current Payroll Supervisor; this allowed Lynn to assume the position and . . . the Payroll Coordinator position was opened for applications . . . and the position was offered on September 16th, with a start date of September 22nd.

The letter filed by the employer on October 19, 2005, included:

> *Lynn Kitts continued to report to Ellen Wixson during a month's transition* as Ms. Kitts took on the role of Payroll Supervisor. Ms. Wixson's role transition . . . to trainer and reconciling loose ends. Ms. Kitt's replacement reports to Ms. Kitts.

(emphasis added). Thus, the employer's letter confirms (rather than controverts) the union's claim that Kitts had nobody to supervise until well after the eligibility cut-off date, so that there is no contested issue as to the critical fact.

Conclusion on the eligibility cut-off date is that neither Gray nor Kitts was within the separate unit of supervisors as of the August 12, 2005, eligibility cut-off date established for the election.

NOW, THEREFORE, it is

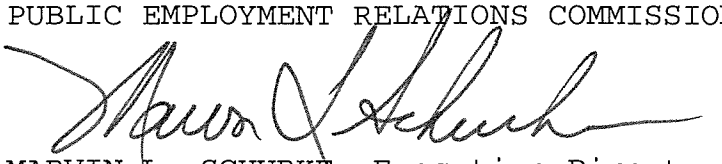
ORDERED

1. The challenges to the ballots cast by Cathryn Gray and Lynn Kitts are SUSTAINED, and an amended tally of ballots shall be issued showing that ballot as void.

2. The challenge to the ballot cast by David Bartelheim is DENIED, but the ballot shall be impounded because the one challenged ballot does not affect the outcome of the election.[10]

Issued at Olympia, Washington, on the 27th day of October, 2005.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

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

---

[10] The amended tally of ballots will show the results to be as follows:

1.	Approximate Number of Eligible Voters . . .	23
2.	Void Ballots	2
3.	Votes Cast for WPEA	11
. . .		
6.	Votes Cast for No Representation	9
7.	Valid Ballots Counted	20
8.	Challenged Ballots	1
. . .		
10.	Number of valid ballots needed to determine election	11
11.	Challenged ballots: . . . Do not affect the outcome of the election.	

E-9 (10/98)

DO NOT WRITE IN THIS SPACE

PUBLIC EMPLOYMENT RELATIONS COMMISSION
Street: 603 EVERGREEN PLAZA BUILDING - 711 CAPITOL WAY
Mail: P.O. BOX 40919 OLYMPIA, WASHINGTON 98504-0919
(360) 753-3444

Amended TALLY OF ELECTION BALLOTS

Instructions: See other side of this form. Applicable Rule: WAC 391-25-550

CASE NUMBER 19336-E-05-3057 **EMPLOYER** Community College Dist 3-Olympic

The Public Employment Relations Commission has tabulated the ballots cast in the election conducted in this case, and certifies that the results of the election are as follows:

1. APPROXIMATE NUMBER OF ELIGIBLE VOTERS 23
2. VOID BALLOTS 2
3. VOTES CAST FOR WPEA 11
4. VOTES CAST FOR _____ .....
5. VOTES CAST FOR _____ .....
6. VOTES CAST FOR NO REPRESENTATION 9
7. VALID BALLOTS COUNTED (Total of lines 3 through 6) 20
8. CHALLENGED BALLOTS CAST 1
9. VALID BALLOTS COUNTED PLUS CHALLENGED BALLOTS (Total of lines 7 and 8) 21
10. NUMBER OF VALID BALLOTS NEEDED TO DETERMINE ELECTION 11
11. CHALLENGED BALLOTS (check one):
    - [ ] - ARE SUFFICIENT IN NUMBER TO AFFECT THE RESULTS OF THE ELECTION.
    - [X] - DO NOT AFFECT THE OUTCOME OF THE ELECTION.
12. THE RESULTS OF THE ELECTION APPEAR TO BE (check one):
    - [ ] - INCONCLUSIVE, SO THAT A RUNOFF ELECTION WILL BE NECESSARY.
    - [X] - CONCLUSIVE, FAVORING THE CHOICE LISTED ON LINE 3, ABOVE.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

DATE ISSUED OCT 27, 2005 BY Sally Iverson

ACKNOWLEDGMENT OF OBSERVERS

The undersigned acted as authorized observers for the parties, and acknowledge service of a copy of this tally of ballots.

For the Employer ..... Title ..... Date .....

For organization listed on Line 3 ..... Title ..... Date .....

For organization listed on Line 4 ..... Title ..... Date .....

For organization listed on Line 5 ..... Title ..... Date .....

For decertification petitioner ..... Title ..... Date .....