

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of: )  
SEATTLE MUNICIPAL COURT MARSHAL'S )  
GUILD ) CASE 14080-E-98-2353  
Involving certain employees of: )  
CITY OF SEATTLE ) DECISION 6436 - PECB  
INTERIM CERTIFICATION  
Representation Election  
By Agreement of Parties

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Olmstead, Gibbs & Harper by Jared C. Karstetter, Attorney at Law, and Cindy Geis, Representative, appeared on behalf of the petitioner.

Dean Barnes, Representative and John McArty, Representative, appeared on behalf of the employer.

FINDINGS OF FACT

1. The above-named petitioner timely filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission, involving certain employees of the above-named employer. The showing of interest filed in support of the petition was administratively determined by the Commission to be sufficient. The employer declined voluntarily to recognize the petitioner as the exclusive bargaining representative of its employees.
2. As a result of preliminary processing of the petition, the Commission proceeded with determination of the question concerning representation, and issues framed concerning the eligibility of certain employees for inclusion in the bargaining unit were reserved for subsequent determination.
3. These representation proceedings were conducted in the bargaining unit described as:

ALL FULL-TIME, REGULAR PART-TIME AND INTERMITTENT MUNICIPAL COURT MARSHALS OF THE CITY OF SEATTLE MUNICIPAL COURT, EXCLUDING THE MUNICIPAL COURT MARSHAL SUPERVISOR (CHIEF), THE COURT ADMINISTRATOR AND ALL OTHER EMPLOYEES.

4. All proceedings were conducted under the supervision of the Commission, in a manner designed to afford the affected employees a free choice in the selection of a bargaining representative. A tally of the result was previously furnished to the parties, and is attached hereto. The reserved eligibility issues do not affect the outcome of the question concerning representation. No meritorious objections have been filed with respect to these proceedings.

CONCLUSIONS OF LAW

1. The bargaining unit described in paragraph 3 of the foregoing findings of fact is an appropriate unit for the purposes of collective bargaining.
2. All conditions precedent to issuance of an interim certification have been met.

NOW, THEREFORE, it is

ORDERED

1. The employees of the above-named employer in the appropriate bargaining unit described in paragraph 3 of the foregoing findings of fact have chosen:

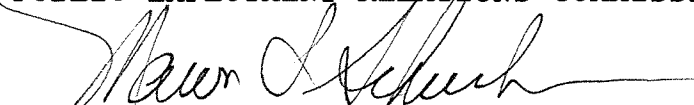
SEATTLE MUNICIPAL COURT MARSHAL'S GUILD

and that organization is certified as their exclusive bargaining representative for the purpose of collective bargaining with their employer.

2. The above-captioned matter is remanded for further proceedings on the eligibility issues previously reserved, as described in paragraph 2 of the foregoing findings of fact.

Issued at Olympia, Washington, this 1st day of October, 1998.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

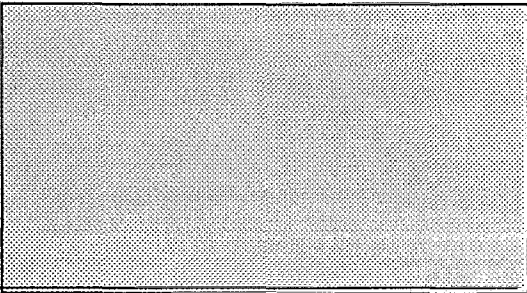


MARVIN L. SCHURKE, Executive Director



PUBLIC EMPLOYMENT RELATIONS COMMISSION

603 EVERGREEN PLAZA BUILDING, P. O. BOX 40919  
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TALLY OF CROSS-CHECK  
for CASE # 14080 - E - 98 - 2353

Instructions: See other side of this form. Applicable Rules: See WAC 391-25-250 and -391.

EMPLOYER: City of Seattle UNION: Seattle Municipal Court Marshalls Guild

The undersigned agent of the Public Employment Relations Commission certifies that he/she has, on the date specified below, conducted a cross-check in the case indicated above, pursuant to:

WAC 391-25-410 CROSS-CHECK OF RECORDS. Where a cross-check of records is to be conducted to determine a question concerning representation, the organization shall submit to the agency original individual cards or letters signed and dated by employees in the bargaining unit not more than ninety days prior to the filing of the petition and indicating that such employees authorize the named organization to represent them for the purposes of collective bargaining, or shall submit to the agency membership records maintained by the organization as a part of its business records containing the names of employees and indicating those employees currently members in good standing. The employer shall make available to the agency original employment records maintained as a part of its business records containing the names and signatures of the employees in the bargaining unit. Prior to the commencement of the cross-check, the organization may file a request that the question concerning representation be determined by a representation election and such requests shall be honored. Where the organization files a disclaimer or a request for election after the commencement of the cross-check, the cross-check shall be terminated and the organization shall not seek to be certified in the bargaining unit for a period of at least one year thereafter. All cross-checks shall be by actual comparison of records submitted by the parties. The agency shall not disclose the names of employees giving representation authorization in favor of or appearing on the membership rolls of the organization. Upon the conclusion of the comparison of records, the agency officer conducting the cross-check shall prepare and furnish to the parties a tallysheet containing the number of employees in the bargaining unit, the number of employee records examined and the number of employee records counted as valid evidence of representation.

and that the results of that cross-check are as follows:

- 1. NUMBER OF EMPLOYEES IN BARGAINING UNIT ..... 19
- 2. NUMBER OF "CHALLENGED" EMPLOYEES ..... 2
- 3. TOTAL EMPLOYEES TO BE CONSIDERED (Total of Line 1 and Line 2) ..... 21
- 4. NUMBER OF VALID AUTHORIZATIONS NEEDED TO DETERMINE REPRESENTATION ..... 11
- 5. TOTAL AUTHORIZATION CARDS OR MEMBERSHIP RECORDS EXAMINED ..... 15
- 6. NUMBER OF CARDS/RECORDS REJECTED AS EVIDENCE OF REPRESENTATION ..... 2
- 7. NUMBER OF CARDS/RECORDS ACCEPTED AS VALID EVIDENCE OF REPRESENTATION ..... 15
- 8. THE RESULTS OF THE CROSS-CHECK APPEAR TO BE (check one):
  - ELIGIBILITY CHALLENGES ARE SUFFICIENT IN NUMBER TO AFFECT THE RESULTS.
  - THE UNION IS ENTITLED TO CERTIFICATION AS EXCLUSIVE BARGAINING REPRESENTATIVE.
  - A CERTIFICATION OF "NO REPRESENTATIVE" IS APPROPRIATE.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

DATE ISSUED: September 23, 1998

BY: Sally J. Wesson

ACKNOWLEDGEMENT OF OBSERVERS

The undersigned acknowledge service of a copy of this tally of cross-check on the date indicated.

For the Employer: ..... Title: ..... Date: ..... Telephone ( ) .....

For the employee organization: ..... Title: ..... Date: ..... Telephone ( ) .....