

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

WASHINGTON PUBLIC EMPLOYEES
ASSOCIATION

Involving certain employees of:

STATE – LIQUOR CONTROL BOARD

CASE 22819-E-09-3510

DECISION 10615 - PSRA

CERTIFICATION

Cross-check by
Agreement of Parties

Kathleen Oest, Staff Representative, for the petitioner.

Jackie Marks, Labor Negotiator, LRO, for the employer.

FINDINGS OF FACT

The Washington Public Employees Association (WPEA) filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission, for the Office Assistant 2 and 3 at the Distribution Center of the Washington State Liquor Control Board. The petition was timely filed and accompanied by a showing of interest which was administratively determined by the Commission to be sufficient. No other organization is known to claim to represent the employees involved.

The existing bargaining unit represented by the WPEA is described as:

ALL FULL-TIME AND REGULAR PART-TIME TECHNICAL/CLERICAL EMPLOYEES OF THE WASHINGTON STATE LIQUOR CONTROL BOARD, EXCLUDING EMPLOYEES AT THE LIQUOR CONTROL BOARD DISTRIBUTION CENTER, AUDIT LOSS PREVENTION DIVISION, PURCHASING DIVISION SUPERVISORS, CONFIDENTIAL EMPLOYEES, WASHINGTON MANAGEMENT EMPLOYEES AND EMPLOYEES IN EXISTING BARGAINING UNITS.

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 whether they wished to be represented by the WPEA in its existing bargaining unit. A confidential cross-check of employer and union documents has been conducted by the Commission staff and a tally of the results previously furnished to the parties is attached hereto; and no meritorious objections have been filed with respect to these proceedings.

The existing bargaining unit represented by the WPEA shall be modified to include the Office Assistant 2 and 3 at the Liquor Control Board Distribution Center for a bargaining unit described as:

ALL FULL-TIME AND REGULAR PART-TIME TECHNICAL/CLERICAL EMPLOYEES OF THE WASHINGTON STATE LIQUOR CONTROL BOARD INCLUDING OFFICE ASSISTANT 2 AND 3 AT DISTRIBUTION CENTER, EXCLUDING ALL OTHER EMPLOYEES AT THE LIQUOR CONTROL BOARD DISTRIBUTION CENTER, AUDIT LOSS PREVENTION DIVISION, PURCHASING DIVISION, SUPERVISORS, CONFIDENTIAL EMPLOYEES, WASHINGTON MANAGEMENT EMPLOYEES, AND EMPLOYEES IN EXISTING BARGAINING UNITS

CONCLUSION OF LAW

The unit described in paragraph 4 of the foregoing Findings of Fact is an appropriate unit for the purposes of collective bargaining within the meaning of RCW 41.80.

NOW, THEREFORE, it is

CERTIFIED

The Office Assistant 2s and Officer Assistant 3s at the Distribution Center of the Washington State Liquor Control Board have chosen:

WASHINGTON PUBLIC EMPLOYEES ASSOCIATION

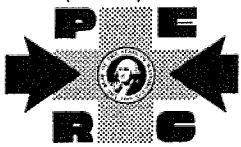
as their representative for the purpose of collective bargaining with their employer.

Issued at Olympia, Washington, this 3rd day of December, 2009.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



CATHLEEN CALLAHAN, Executive Director



PUBLIC EMPLOYMENT RELATIONS COMMISSION

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**TALLY OF
CROSS-CHECK**

Instructions: Other side of this form (Page 2)

Applicable Rules: WAC 391-25-410

CASE NUMBER 22819 E - 09 3510 EMPLOYER State - Liquor Control Board

The Public Employment Relations Commission has conducted a confidential cross-check under WAC 391-25-410, which provides:

- (1) Where a cross-check of records is to be conducted to determine a question concerning representation, the organization shall furnish to the agency original or legible copies of individual cards or letters signed and dated by employees in the bargaining unit within ninety days prior to the filing of the petition and indicating that the employees authorize the named organization to represent them for the purposes of collective bargaining, or shall furnish 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.
- (2) The agency shall honor a valid revocation of authorization contained in an individual card or letter signed by the employee and furnished to the agency by the employee.
- (3) The employer shall make available to the agency original or legible copies of employment records maintained as a part of its business records containing the names and signatures of the employees in the bargaining unit.
- (4) Prior to the commencement of the cross-check, the organization may file and serve, as required by WAC 391-08-120, a request that the question concerning representation be determined by a representation election. Any such requests shall be honored.
- (5) 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.
- (6) All cross-checks shall be by actual comparison of records furnished 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 tally sheet 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.

The results of that cross-check are certified to be as follows:

1. NUMBER OF EMPLOYEES AGREED TO BE IN BARGAINING UNIT	.....	<u>2</u>
2. NUMBER OF EMPLOYEES WHOSE INCLUSION IN UNIT IS CHALLENGED	.....	<u>0</u>
3. TOTAL EMPLOYEES TO BE CONSIDERED (Total of Lines 1 and 2)	.....	<u>2</u>
4. NUMBER OF VALID AUTHORIZATIONS NEEDED TO ESTABLISH MAJORITY STATUS	.....	<u>2</u>
5. TOTAL AUTHORIZATION CARDS OR MEMBERSHIP RECORDS EXAMINED	.....	<u>2</u>
6. NUMBER OF AUTHORIZATIONS REJECTED AS INVALID	.....	<u>0</u>
7. NUMBER OF AUTHORIZATIONS ACCEPTED AS VALID EVIDENCE OF REPRESENTATION	.....	<u>2</u>
BY (organization) <u>WPEA</u>	.....	<u>2</u>

8. THE RESULT OF THE CROSS-CHECK APPEARS TO BE:

- Eligibility challenges are sufficient in number to affect the results.
- The organization named on line 7 is entitled to certification as exclusive bargaining representative.
- A certification of "no representative" is appropriate.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

DATE ISSUED NOV 24, 2009 BY Sally J. WELSON

ACKNOWLEDGMENT OF OBSERVERS The undersigned acknowledge service of a copy of this tally of cross-check.

For the Employer Title Date

For organization on Line 7 Title Date