

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

TEAMSTERS UNION, LOCAL 763

Involving certain employees of:

CITY OF NEWCASTLE

CASE 22936-E-09-3522

DECISION 10698 - PECB

CERTIFICATION

Cross-check by

Agreement of Parties

David Grage, Secretary/Treasurer, and Scott Sullivan, Union Representative, for the petitioner.

Lisa Marshall, City Attorney, and Rob Wyman, City Manager, for the employer.

FINDINGS OF FACT

1. The above-named petitioner filed with the Public Employment Relations Commission a petition for investigation of a question concerning representation of employees of the above-named employer. 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.
2. These representation proceedings were conducted by the Commission in the bargaining unit described as:

ALL FULL-TIME AND REGULAR PART-TIME MAINTENANCE TECHNICIANS, INFRASTRUCTURE MAINTENANCE MANAGER AND PARKS PROGRAM MANAGER OF THE CITY OF NEWCASTLE PUBLIC WORKS AND PARKS DEPARTMENT, EXCLUDING SUPERVISORS, CONFIDENTIAL EMPLOYEES AND ALL OTHER EMPLOYEES.

3. 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 their bargaining representative, 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.

CONCLUSION OF LAW

The unit described in paragraph 2 of the foregoing Findings of Fact is an appropriate unit for the purposes of collective bargaining within the meaning of RCW 41.56.

All conditions precedent to a certification have been met.

NOW, THEREFORE, it is

CERTIFIED

The employees of the above-named employer in the appropriate bargaining unit described in paragraph 2 of the foregoing Findings of Fact have chosen:

TEAMSTERS UNION, LOCAL 763

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

Issued at Olympia, Washington, this 5th day of March, 2010.

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 22936-E-09-3522 EMPLOYER City of Newcastle

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...
(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:

Table with 2 columns: Description and Count. Rows include: 1. NUMBER OF EMPLOYEES AGREED TO BE IN BARGAINING UNIT (6), 2. NUMBER OF EMPLOYEES WHOSE INCLUSION IN UNIT IS CHALLENGED (0), 3. TOTAL EMPLOYEES TO BE CONSIDERED (Total of Lines 1 and 2) (6), 4. NUMBER OF VALID AUTHORIZATIONS NEEDED TO ESTABLISH MAJORITY STATUS (4), 5. TOTAL AUTHORIZATION CARDS OR MEMBERSHIP RECORDS EXAMINED (6), 6. NUMBER OF AUTHORIZATIONS REJECTED AS INVALID (0), 7. NUMBER OF AUTHORIZATIONS ACCEPTED AS VALID EVIDENCE OF REPRESENTATION BY (organization) Teamsters, Local 763 (6).

THE RESULT OF THE CROSS-CHECK APPEARS TO BE:

- [] Eligibility challenges are sufficient in number to affect the results.
[X] 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 Feb 25, 2010

BY Sally JOYSON