

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

WASHINGTON FEDERATION OF
STATE EMPLOYEES

Involving certain employees of:

STATE – COMMERCE

CASE 23583-E-10-3599

DECISION 10921 - PSRA

CERTIFICATION

Cross-check by
Agreement of Parties

Herb Harris, PERC Specialist, for the petitioner, Washington Federation of State Employees.

Brad Garrett, Labor Negotiator, for the employer.

FINDINGS OF FACT

1. The Washington Federation of State Employees (WFSE) filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission, for the Commerce Specialists of the Business Services Division in Regional Services and Marketing at the Washington State Department of Commerce. 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. The existing bargaining unit represented by the WFSE is described as:

All non-supervisory civil service employees of the Washington State Department of Commerce working to develop community programs, excluding confidential employees, internal auditors, supervisors, non-supervisory Washington Management Service employees (on and after July 1, 2004), 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 whether they wished to be represented by the WFSE 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.
4. The existing bargaining unit represented by the WFSE shall be modified to include the Commerce Specialists of the Business Services Division in Regional Services and

Marketing for a bargaining unit described as:

All non-supervisory civil service employees of the Washington State Department of Commerce working to develop community programs, excluding confidential employees, internal auditors, supervisors, non-supervisory Washington Management Service employees (on and after July 1, 2004), and all other employees.

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 Commerce Specialists of the Business Services Division in Regional Services and Marketing of the Washington State Department of Commerce have chosen:

WASHINGTON FEDERATION OF STATE EMPLOYEES

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

Issued at Olympia, Washington, this 29th day of November, 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 23583 E - 10 - 3599 EMPLOYER State - Dept of Commerce

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>8</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>8</u>
4. NUMBER OF VALID AUTHORIZATIONS NEEDED TO ESTABLISH MAJORITY STATUS	.....	<u>5</u>
5. TOTAL AUTHORIZATION CARDS OR MEMBERSHIP RECORDS EXAMINED	.....	<u>5</u>
6. NUMBER OF AUTHORIZATIONS REJECTED AS INVALID	.....	<u>0</u>
7. NUMBER OF AUTHORIZATIONS ACCEPTED AS VALID EVIDENCE OF REPRESENTATION	.....	<u>5</u>
BY (organization)	<u>WFSE</u>	

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 18, 2010

BY Sally WELSON