

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of: )  
 )  
INTERNATIONAL UNION OF OPERATING )  
ENGINEERS, LOCAL 280 ) CASE 22299-E-09-3437  
 )  
 ) DECISION 10352-A - PECB  
Involving certain employees of: )  
 ) INTERIM CERTIFICATION  
CITY OF CONNELL )  
 ) Representation Election  
 ) By Agreement of Parties  
 )  
\_\_\_\_\_ )

*Rick Pound*, International Representative, appeared on behalf of the petitioner.

*Kevin Wesley*, Labor Consultant, appeared on behalf of 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 was accompanied by a showing of interest which was administratively determined by the Commission to be sufficient.
2. Following an investigation conference, 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 by the Commission in the bargaining unit described as:

ALL FULL-TIME AND REGULAR PART-TIME EMPLOYEES OF THE CITY OF CONNELL IN PUBLIC WORKS, CITY HALL, PLANNING OFFICE AND POLICE COURT, EXCLUDING SUPERVISORS, CONFIDENTIAL EMPLOYEES, UNIFORMED EMPLOYEES 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, if any; a tally of the results was previously furnished to the parties and is attached hereto; the reserved eligibility issues do not affect the outcome of the question concerning representation; and no meritorious objections have been filed with respect to these proceedings.

CONCLUSIONS OF LAW

1. The unit described in paragraph 3 of the foregoing Findings of Fact is an appropriate unit for the purposes of collective bargaining within the meaning of RCW 41.56.060.
2. All conditions precedent to issuance of an interim certification have been met.

NOW, THEREFORE, it is

CERTIFIED

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:

INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 280

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

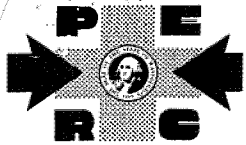
2. The above-captioned matter is remanded for further proceedings on the eligibility issues reserved as described in paragraph 2 of the foregoing Findings of Fact.

Issued at Olympia, Washington, this 15th day of April, 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 22299E-09-3437 EMPLOYER City of Connell

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:

Table with 2 columns: Description and Count. Rows include: 1. NUMBER OF EMPLOYEES AGREED TO BE IN BARGAINING UNIT (9), 2. NUMBER OF EMPLOYEES WHOSE INCLUSION IN UNIT IS CHALLENGED (2), 3. TOTAL EMPLOYEES TO BE CONSIDERED (Total of Lines 1 and 2) (11), 4. NUMBER OF VALID AUTHORIZATIONS NEEDED TO ESTABLISH MAJORITY STATUS (6), 5. TOTAL AUTHORIZATION CARDS OR MEMBERSHIP RECORDS EXAMINED (7), 6. NUMBER OF AUTHORIZATIONS REJECTED AS INVALID (0), 7. NUMBER OF AUTHORIZATIONS ACCEPTED AS VALID EVIDENCE OF REPRESENTATION (7). BY (organization) IUOE, Local 280

3. 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 APRIL 7, 2009 BY Sally Werson

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

or the Employer Title Date
or organization on Line 7 Title Date