

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)
)
CLASSIFIED PUBLIC EMPLOYEES) CASE 8621-E-90-1451
ASSOCIATION / WEA)
) DECISION 3973-A - PECB
Involving certain employees of:)
)
OMAK SCHOOL DISTRICT) INTERIM CERTIFICATION
)
)
)

Kathy O'Toole, General Counsel, and Faith Hanna, Attorney at Law, Washington Education Association, appeared on behalf of the petitioner.

Michael Wyant, Elementary School Principal, appeared on behalf of the employer; Barry McCombs, Superintendent, has been substituted for the proceedings before the Commission.

Eric Nordlof, General Counsel, Public School Employees of Washington, appeared on behalf of the incumbent intervenor, Public School Employees of Omak.

This case comes before the Commission on timely objections filed by the petitioner, assigning error to an eligibility ruling issued by Executive Director Marvin L. Schurke.

BACKGROUND

The petition for investigation of a question concerning representation was filed in this matter on June 4, 1990. The Classified Public Employees Association / WEA (CPEA), sought certification as exclusive bargaining representative of certain employees of the Omak School District. Various issues were framed, including an issue concerning the eligibility of certain individuals for inclusion in the petitioned-for bargaining unit.

After a hearing, the Executive Director issued a Direction of Election on January 21, 1992. He ruled that the "media specialist" was not an "office-clerical" employee, and was not properly included in the petitioned-for bargaining unit.

A representation election was conducted under the auspices of the Commission on February 24, 1992, at which time 10 votes were cast in favor of the CPEA, no votes were cast for PSE, and two votes were cast against representation. There were no challenged ballots. The objections filed by the CPEA after the issuance of the tally of ballots are limited to the eligibility ruling concerning the "media specialist".

DISCUSSION

The Commission has considered the matter, and concludes that an interim certification should be issued in this matter. Precedent for expediting the determination of questions concerning representation is found in Franklin Pierce School District, Decision 78-C (PECB, 1976); City of Redmond, Decision 1367-A (PECB, 1982); Olympic Memorial Hospital, Decision 3317-A (PECB, 1989); and Morton General Hospital, Decision 3521-A (PECB, 1990). Our procedures call for the routine issuance of interim certifications where eligibility issues are reserved for post-election determination.

FINDINGS OF FACT

1. The above-named petitioner timely filed with the Public Employment Relations Commission a petition for investigation of a question concerning representation of employees of the above-named employer. Said petition was accompanied by a showing of interest which was administratively determined by the Commission to be sufficient. The employer declined

voluntarily to extend recognition to the petitioner as the exclusive bargaining representative of its employees.

2. These representation proceedings were conducted by the Commission in the bargaining unit described as:

All full-time and regular part-time office-clerical employees of the Omak School District, excluding supervisors, confidential employees, aides working in support of the educational program, and all other employees of the employer.

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, if any. A tally of the results was previously furnished to the parties, and is attached hereto.
4. The only objections which have been filed with respect to these proceedings concern an eligibility issue that will not affect the outcome of the question concerning representation.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter under Chapter 41.56 RCW and Chapter 391-25 WAC.
2. The bargaining unit described in paragraph 2 of the foregoing findings of fact is an appropriate unit for the purposes of collective bargaining under RCW 41.56.060; and all conditions precedent to an interim certification have been met.

NOW, THEREFORE, it is

CERTIFIED

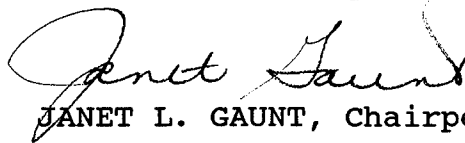
The employees of the above-named employer employed in the appropriate collective bargaining unit described in finding of fact number 2 have chosen:

CLASSIFIED PUBLIC EMPLOYEES ASSOCIATION / WEA

as their representative for the purpose of collective bargaining with their employer with respect to wages, hours and conditions of employment.

Entered at Olympia, Washington, the 22nd day of April, 1992.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



JANET L. GAUNT, Chairperson

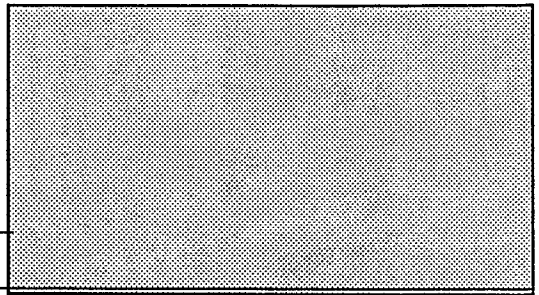


DUSTIN C. McCREARY, Commissioner



PUBLIC EMPLOYMENT RELATIONS COMMISSION

603 EVERGREEN PLAZA FJ-61 OLYMPIA, WASHINGTON 98504
(206) 753-3444



TALLY OF ELECTION BALLOTS

for CASE # 8621 - E - 90 - 1451

Instructions: See other side of this form.

Applicable Rule: See WAC 391-25-550.

The Public Employment Relations Commission has tabulated the ballots cast in the election conducted under the case number indicated above, and certifies that the results of the election are as follows:

EMPLOYER OMAK SCHOOL DISTRICT

- 1. APPROXIMATE NUMBER OF ELIGIBLE VOTERS 15
- 2. VOID BALLOTS 0
- 3. VOTES CAST FOR: SEPARATE UNIT OF OFFICE-CLERICAL 12
- 4. VOTES CAST FOR: _____ 0
- 5. VOTES CAST FOR: _____ 0
- 6. VOTES CAST FOR: _____ 0
- 7. VOTES CAST FOR: ~~XXXXXXXXXXXXX~~ NO REPRESENTATION ~~NO SEPARATE UNIT~~ 0
- 8. VALID BALLOTS COUNTED (Total of lines 3 through 7) 12
- 9. CHALLENGED BALLOTS CAST 0
- 10. VALID BALLOTS COUNTED PLUS CHALLENGED BALLOTS (Total of lines 8 and 9) 12
- 11. NUMBER OF VALID BALLOTS NEEDED TO DETERMINE ELECTION 8
- 12. CHALLENGED BALLOTS (check one):
 - ARE SUFFICIENT IN NUMBER TO AFFECT THE RESULTS OF THE ELECTION.
 - DO NOT AFFECT THE OUTCOME OF THE ELECTION.
- 13. THE RESULTS OF THE ELECTION APPEAR TO BE (check one):
 - INCONCLUSIVE, SO THAT A RUNOFF ELECTION WILL BE NECESSARY.
 - CONCLUSIVE, FAVORING THE CHOICE LISTED ON LINE 3, ABOVE.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

DATE ISSUED: February 14, 1992

BY: [Signature]

ACKNOWLEDGEMENT OF OBSERVERS

The undersigned acted as authorized observers for the parties, and acknowledge service of a copy of this tally of ballots.

- For Employer: Title: Date: Telephone ()
- For organization listed on Line 3: Title: Date: Telephone ()
- For organization listed on Line 4: Title: Date: Telephone ()
- For organization listed on Line 5: Title: Date: Telephone ()
- For organization listed on Line 6: Title: Date: Telephone ()
- For decertification petitioner: Title: Date: Telephone ()



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EMPLOYER OMAK SCHOOL DISTRICT

- 1. APPROXIMATE NUMBER OF ELIGIBLE VOTERS 15
- 2. VOID BALLOTS -0-
- 3. VOTES CAST FOR: PUBLIC SCHOOL EMPLOYEES OF OMAK/PSE -0-
- 4. VOTES CAST FOR: _____
- 5. VOTES CAST FOR: CLASSIFIED PUBLIC EMPLOYEES ASSOCIATION/WEA/NEA 10
- 6. VOTES CAST FOR: _____
- 7. VOTES CAST FOR: NO REPRESENTATION 2
- 8. VALID BALLOTS COUNTED (Total of lines 3 through 7) 12
- 9. CHALLENGED BALLOTS CAST 0
- 10. VALID BALLOTS COUNTED PLUS CHALLENGED BALLOTS (Total of lines 8 and 9) 12
- 11. NUMBER OF VALID BALLOTS NEEDED TO DETERMINE ELECTION 7
- 12. CHALLENGED BALLOTS (check one):
 - ARE SUFFICIENT IN NUMBER TO AFFECT THE RESULTS OF THE ELECTION.
 - DO NOT AFFECT THE OUTCOME OF THE ELECTION.
- 13. THE RESULTS OF THE ELECTION APPEAR TO BE (check one):
 - INCONCLUSIVE, SO THAT A RUNOFF ELECTION WILL BE NECESSARY.
 - CONCLUSIVE, FAVORING THE CHOICE LISTED ON LINE 5, ABOVE.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

DATE ISSUED: February 14, 1992

BY: [Signature]

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