

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)
)
WASHINGTON PUBLIC EMPLOYEES)
ASSOCIATION) CASE 20971-E-07-3236
)
Involving certain employees of:) DECISION 9679 - PSRA
)
WASHINGTON STATE - SCHOOL FOR)
THE BLIND) CERTIFICATION
) Representation Election
) by Agreement of Parties
)
_____)

Herb Harris, Organizer, for the petitioner.

Jessica Syndor, Human Resources 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 was accompanied by a showing of interest which was administratively determined by the Commission to be sufficient.
2. The organization(s) listed above as intervenors (if applicable) timely moved for intervention in the proceedings, and each motion for intervention was supported by a showing of interest which was administratively determined by the Commission to be sufficient.
3. These representation proceedings were conducted by the Commission in the bargaining unit described as:

ALL FULL TIME AND REGULAR PART-TIME NON SUPERVISORY
CERTIFICATED EMPLOYEES OF THE WASHINGTON STATE
SCHOOL FOR THE BLIND, EXCLUDING SUPERVISORS, CONFIDENTIAL 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 their bargaining

representative, if any; 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

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 41.80.
2. 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 3 of the foregoing Findings of Fact have chosen:

WASHINGTON PUBLIC EMPLOYEES ASSOCIATION

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

Issued at Olympia, Washington, this 16th day of May, 2007.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



CATHLEEN CALLAHAN, Executive Director



PUBLIC EMPLOYMENT RELATIONS COMMISSION

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TALLY OF ELECTION BALLOTS

Instructions: Other side of this form (Page 2)

Applicable Rules: WAC 391-25-550

CASE NUMBER 20971 E 07-3236 EMPLOYER State - School for the Blind

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

- 1. APPROXIMATE NUMBER OF ELIGIBLE VOTERS 30
2. VOID BALLOTS 0
3. VOTES CAST FOR WPEA 14
4. VOTES CAST FOR
5. VOTES CAST FOR
6. VOTES CAST FOR NO REPRESENTATION 3
7. VALID BALLOTS COUNTED (Total of lines 3 through 6) 17
8. CHALLENGED BALLOTS CAST 0
9. VALID BALLOTS COUNTED PLUS CHALLENGED BALLOTS (Total of lines 7 and 8) 17
10. NUMBER OF VALID BALLOTS NEEDED TO DETERMINE ELECTION 9
11. CHALLENGED BALLOTS (check one):
[] - ARE SUFFICIENT IN NUMBER TO AFFECT THE RESULTS OF THE ELECTION.
[X] - DO NOT AFFECT THE OUTCOME OF THE ELECTION.
12. THE RESULTS OF THE ELECTION APPEAR TO BE (check one):
[] - INCONCLUSIVE, SO THAT A RUNOFF ELECTION WILL BE NECESSARY.
[X] - CONCLUSIVE, FAVORING THE CHOICE LISTED ON LINE 3 ABOVE.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

DATE ISSUED May 4, 2007

BY Sally J. Wilson

ACKNOWLEDGMENT OF OBSERVERS

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

For the Employer
For organization listed on Line 3
For organization listed on Line 4
For organization listed on Line 5
For decertification petitioner

INSTRUCTIONS FOR TALLY OF ELECTION BALLOTS

- A. APPLICABLE RULES** The Public Employment Relations Commission (PERC) processes representation cases under Chapter 391-25 WAC, Chapter 391-08 WAC and Chapter 10-08 WAC. The rules are available from PERC at (360) 753-3444 or on the web at www.wa.gov/state.htm (click on "P" in the alphabetical listing to go to the hypertext link for PERC). Parties should familiarize themselves with all of the rules applicable to their case.
- B. FORM** A PERC staff member will handle all ballots at the tally, will fill out the tally sheet, and will provide copies to each of the parties (either on-site or by mail). Explanations for the entries are as follows:
- Line 1 Number of employees acknowledged by the parties to be included in the bargaining unit, plus any persons who have presented themselves to vote by challenged ballot.
- Line 2 Reasons for ruling a ballot is void include, but are not limited to: "Blank"; "Marks in two or more boxes"; "Marks outside of boxes"; "Unable to discern intent of voter"; and "Ballot signed by employee".
- Lines 3-5 Each organization or unit choice will be listed on a separate line.
- Line 6 The ballot for the initial election in each case includes a choice for "No Representation". The choices on a run-off ballot are limited to the two choices receiving the highest number of votes in the initial election.
- Line 7 The sum of lines 3 - 6 is merely a subtotal used in later calculations.
- Line 8 No person will be denied the right to cast a challenged ballot. The PERC election officer does not have authority to make rulings on challenged ballots, except where the parties stipulate that a particular challenge should be sustained (such as where all parties agree the individual was not eligible to vote) or withdrawn (such as where all parties agree that the challenged voter was actually eligible to vote).
- Line 9 The sum of lines 7 and 8 is the number on which most majority computations must be based.
- Line 10 The number needed for a conclusive election varies according to the situation and applicable statute:
- General rule for representation elections: The number is a simple majority of Line 9, to the next whole number (51 for 100 employees; 51 for 99 employees; 50 for 98 employees).
 - Special rule for initial representation elections under Chapter 41.56 RCW with 3 or more choices: The number is a simple majority of Line 1, to the next whole number.
 - For unit determination elections: The number is a simple majority of Line 1, to the next whole number.
- Line 11 Challenged ballots will be determined after a hearing, if any combination of changes to the eligibility list and valid ballots could result in any choice being greater than Line 10.
- Line 12 A run-off election is held if no choices on an initial representation election ballot receives the number of votes indicated on Line 10.
- C. ACKNOWLEDGMENT OF OBSERVERS** Parties' representatives are asked to acknowledge receiving a copy of the tally.
- D. OBJECTIONABLE CONDUCT** PERC maintains "laboratory conditions" for employees to implement their statutory right to select or decertify an exclusive bargaining representative. WAC 391-25-470 and WAC 391-25-490 include:
- (1) The following prohibitions apply to assure appropriate conditions for employees to cast their ballots:
 - (a) The reproduction of any document purporting to suggest, either directly or indirectly, that the agency endorses a particular choice in an election is prohibited.
 - (b) The use of deceptive campaign practices improperly involving the commission and its processes is prohibited.
 - (c) The use of forged documents is prohibited.
 - (d) Coercion or intimidation of eligible voters, or any threat of reprisal or force or promise of benefit to eligible voters, is prohibited.
 - (e) Changes of the status quo concerning wages, hours or other terms and conditions of employment of employees in the bargaining unit are prohibited during the period that a petition is pending before the commission under this chapter.
 - (f) Misrepresentations of fact or law are prohibited. To set aside an election, a misrepresentation must:
 - (i) Be a substantial misrepresentation of fact or law regarding a salient issue;
 - (ii) Be made by a person having intimate knowledge of the subject matter, so that employees may be expected to attach added significance to the assertion;
 - (iii) Occurring at a time which prevents others from effectively responding; and
 - (iv) Reasonably viewed as having had a significant impact on the election, whether a deliberate misrepresentation or not.
 - [FOR MAIL BALLOTS] (g) Election speeches on the employer's time to massed assemblies of employees are prohibited during the period beginning twenty-four hours before the scheduled date for the issuance of ballots to employees and continuing through the tally of ballots.
 - [FOR ON-SITE ELECTIONS] (g) Election speeches on the employer's time to massed assemblies of employees are prohibited during the period beginning twenty-four hours before the scheduled time for the opening of the polls and continuing through the tally of ballots.
 - (h) There shall be no electioneering at or about the polling place during the hours of voting.
- E. FILING AND SERVICE OF OBJECTIONS** Objections are processed under WAC 391-25-590, as follows:
- WAC 391-25-590 Filing and service of objections to improper conduct and interim orders. The due date for objections is seven days after the tally has been served under WAC 391-25-410 or under WAC 391-25-550, regardless of whether challenged ballots are sufficient in number to affect the results of the election. The time period for objections cannot be extended.
- (1) Objections by the petitioner, the employer or any intervenor shall set forth, in separate numbered paragraphs:
 - (a) The specific conduct which the party filing the objection claims has improperly affected the results of the election; and/or
 - (b) The direction of election, direction of cross-check or other interim rulings which the objecting party desires to appeal to the commission.
 - (2) Objections by individual employees are limited to conduct or procedures which prevented them from casting a ballot.
 - (3) The original and three copies of the objections shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and the party filing the objections shall serve a copy on each of the other parties to the proceedings as required by WAC 391-08-120 (3) and (4).