

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)
LABORERS UNION, LOCAL 1239) CASE 20409-E-06-3156
Involving certain employees of:) DECISION 9385 - PECB
CITY OF SEATTLE) INTERIM CERTIFICATION
Representation Election
By Agreement of Parties

John Masterjohn, Business Manager, appeared on behalf of the petitioner.

Pat LeMay, Labor Negotiator, 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 DELIVERY WORKERS OF THE CITY OF SEATTLE, 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 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:

LABORERS UNION, LOCAL 1239

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 14th day of July, 2006.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARVIN L. SCHURKE, Executive Director



PUBLIC EMPLOYMENT RELATIONS COMMISSION

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DO NOT WRITE IN THIS SPACE

TALLY OF ELECTION BALLOTS

Instructions: See other side of this form.

Applicable Rule: WAC 391-25-550

CASE NUMBER 20409 E - de 3156 EMPLOYER City of Seattle

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	<u>8</u>
2.	VOID BALLOTS	<u>0</u>
3.	VOTES CAST FOR <u>Laborers Union, local 1239</u>	<u>3</u>
4.	VOTES CAST FOR	
5.	VOTES CAST FOR	
6.	VOTES CAST FOR <u>NO REPRESENTATION</u>	<u>1</u>
7.	VALID BALLOTS COUNTED (Total of lines 3 through 6)	<u>4</u>
8.	CHALLENGED BALLOTS CAST	<u>1</u>
9.	VALID BALLOTS COUNTED PLUS CHALLENGED BALLOTS (Total of lines 7 and 8)	<u>5</u>
10.	NUMBER OF VALID BALLOTS NEEDED TO DETERMINE ELECTION	<u>3</u>

11. CHALLENGED BALLOTS (check one):
- ARE SUFFICIENT IN NUMBER TO AFFECT THE RESULTS OF THE ELECTION.
 - 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.
 - CONCLUSIVE, FAVORING THE CHOICE LISTED ON LINE 3, ABOVE.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

DATE ISSUED July 6, 2006 BY Sally WELSON

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	Title	Date
For organization listed on Line 3	Title	Date
For organization listed on Line 4	Title	Date
For organization listed on Line 5	Title	Date
For decertification petitioner	Title	Date