#### STATE OF WASHINGTON

#### BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the Petition of:	)
	) CASE NO. 7452-E-88-1277
WASHINGTON STATE COUNCIL OF COUNTY AND CITY EMPLOYEES	)
COUNTY AND CITY EMPLOYEES	) DECISION 3070 - PECB
Involving certain employees of:	) ORDER DETERMINING ) CHALLENGED BALLOTS
CITY OF KENT	)
	_)

# Appearances:

For Petitioner: Chris Dugovich, Business Representative

For Employer:

Mike Webby, Representative

### 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; and the employer declined voluntarily to extend recognition to the petitioner as the exclusive bargaining representative of its employees.
- 2. From the outset of the proceedings, the employer contended that Rex B. Tippery, Priscilla M. Shea, Ada IaBelle Marvosh, John F. Marchione, and Thomas D. Vetsch were properly excluded from the bargaining unit.
- 3. The parties entered into and filed an election agreement calling for a representation election to be conducted by the Commission in the bargaining unit described as:

REGULAR FULL-TIME AND REGULAR PART-TIME EMPLOYEES WHO WORK FOR CITY OF KENT IN THE DEPARTMENT OF FINANCE; EXCLUDING SPECIFICALLY METER READER/MAINTENANCE WORKER-II, TEMPORARY, CONFIDENTIAL, SUPERVISORY, AND ALL OTHER EMPLOYEES OF THE EMPLOYER.

- 4. The parties entered into and filed a supplemental agreement calling for post-election determination of the bargaining unit status of the individuals identified in paragraph 2 of these finding of fact. Those individuals were afforded the opportunity cast challenged ballots, and at least some of them availed themselves of that opportunity.
- 5. Subsequent to the conduct of the election, the above-named petitioner has withdrawn its claim that the individuals identified in paragraph 2 of these findings of fact are properly included within the bargaining unit stipulated to be appropriate.

## CONCLUSION OF LAW

In view of the employer's claim that the individuals identified in paragraph 2 of the foregoing findings of fact were and are properly excluded from the bargaining unit, there does not appear to be any dispute remaining for determination by the Commission under RCW 41.56.060.

NOW, THEREFORE, it is

#### **ORDERED**

- 1. The challenges to the ballots cast by the individuals identified in the supplemental agreement filed in this proceeding are SUSTAINED.
- An amended tally of ballots is attached.

ISSUED at Olympia, Washington, this 23rd day of December, 1988.

PUBLIC EMPLOYMENT RELATIONS/ COMMISSION

MARVIN L. SCHURKE, Executive Director

This Order may appealed by filing timely objections with the Commission pursuant to WAC 391-25-590.

E-9 1/78

# STATE OF WASHINGTON

# BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION AMENDED TALLY SHEET

NAME OF EMPLOYER The Start (Tunana) CASE NUMBER 7452-E-88-10
PART 1 - CROSS-CHECK OF RECORDS
The undersigned agent of the Public Employment Relations Commission certifies that he/she has conducted a cross-check of records in the above case, and that the results were as follows:
Number of Employees in Bargaining Unit
Number of Employee Records Examined
Number of Employee Records Counted as Valid Evidence of Representation
PART 2 - SECRET BALLOT ELECTION
The undersigned agent of the Public Employment Relations Commission certifies that the results of the tabulation of ballots cast in the election held in the above case, and concluded on the date indicated below, were as follows:
1. Approximate number of eligible voters
2. Void Ballots
3. Votes Cast For: <u>WSCCCE</u> <u>/O</u>
4. Votes Cast For:
5. Votes Cast For:
6. Votes Cast For: NO REPRESENTATION
7. Valid Ballots Counted.(total of 3, 4, 5, and 6)
8. Challenged Ballots
9. Valid Ballots Counted plus Challenged Ballots (total of 7 and 8)
10. Number of Valid Ballots Needed to Determine Election
Challenges are are not sufficient in number to affect the results of the election.  The results of the election appear to be inconclusive. conclusive favoring choice on line
The results of the election appear to be $\square$ conclusive favoring choice on line $\square$
DATE ISSUED 12/23/88  By Sharp Scommission  The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulating were
fairly and accurately done, that the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this tally
For For
For For