

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of: )  
TEAMSTERS UNION, LOCAL 763 ) CASE 10203-E-93-1682  
involving certain employees of: ) DECISION 4398 - PECB  
CITY OF MOUNTLAKE TERRACE ) DIRECTION OF CROSS-CHECK  
\_\_\_\_\_ )

On January 13, 1993, Teamsters Union, Local 763 filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission, seeking certification as exclusive bargaining representative of certain employees of City of Mountlake Terrace. The showing of interest filed in support of the petition indicates that the union has authorization cards from a substantial majority of the petitioned-for employees.

A pre-hearing conference was conducted, by telephone, on May 4 and 5, 1993. During the course of the pre-hearing conference, the parties stipulated that an appropriate bargaining unit can be described as:

All full-time and regular part-time custodians and building maintenance employees, excluding supervisors, confidential employees, and all other employees of the employer.

The parties further stipulated to an eligibility list, and specifically reserved one eligibility issue for later determination. The eligibility issue does not prevent the further processing of the representation petition.

The parties were unable to agree to the method of determining the question concerning representation. The union argued that a cross-check of employment records was appropriate, based on the substantial showing of interest filed with the petition. The employer objected to the cross-check, and expressed a general preference that the matter be resolved by an election among eligible voters, but it did not advance any specific impediments to use of the cross-check procedure. A statement of results of the pre-hearing conference was issued, and no objections or proposed amendments to that statement have been filed by any party.

The selection of a method for determining a question concerning representation is a matter delegated by the Legislature to the Commission. RCW 41.56.060. The Commission has adopted WAC 391-25-391, which specifies the circumstances under which a cross-check of employment records may be ordered. The rule provides:

Where only one organization is seeking certification as the representative of unrepresented employees, and the showing of interest submitted in support of the petition indicates that such organization has been authorized by a substantial majority of the employees to act as their representative for the purposes of collective bargaining, and the executive director finds that the conduct of an election would unnecessarily and unduly delay the determination of the question concerning representation with little likelihood of altering the outcome, the executive director may issue a direction of cross-check and any accompanying rulings shall not be subject to review by the commission except upon objections timely filed under WAC 391-25-590.

The Commission has interpreted the "substantial majority" terminology of that rule as "evidence of 70% support" among the petitioned-for employees. City of Centralia, Decision 3495-A (PECB, 1990).

Examination of the petition and pre-hearing statement in the instant matter indicates that the union has submitted the kind of substantial showing of interest required by WAC 391-25-391, and that there are no substantive issues in dispute. Given the circumstances presented here, a cross-check of employment records is an appropriate method to resolve the question concerning representation.

DIRECTION OF CROSS-CHECK

A cross-check of records shall be made under the direction of the Public Employment Relations Commission in the appropriate bargaining unit described as:

All full-time and regular part-time custodians and building maintenance employees, excluding supervisors, confidential employees, and all other employees of the employer

to determine whether a majority of the employees in that bargaining unit have authorized Teamsters Union, Local 763 to represent them for the purposes of collective bargaining.

The remaining eligibility issue shall be resolved in subsequent proceedings before the Commission.

ISSUED at Olympia, Washington, this 24th day of May, 1993.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
MARVIN L. SCHURKE, Executive Director

This Order may be appealed by filing a petition for review with the Commission pursuant to WAC 391-25-590.