

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of: )  
TEAMSTERS UNION LOCAL 690 ) CASE 11629-E-95-1911  
Involving certain employees of: ) DECISION 5065 - PECB  
STEVENS COUNTY ) DIRECTION OF CROSS-CHECK  
\_\_\_\_\_ )

Roy Wesley, Labor Relations Consultant, appeared on behalf of the employer.

John DeLauder, Business Representative, appeared on behalf of the union.

On March 6, 1995, Teamsters Union, Local 690, 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 Stevens County. A pre-hearing conference was conducted, by telephone, on April 3, 1995. During the course of the pre-hearing conference, the parties stipulated all issues in the matter, other than the method for determining the question concerning representation. A statement of results of the pre-hearing conference issued on the same date required the parties to make known any objections within 10 days thereafter. Nothing further has been heard or received from the parties.

The employer resisted use of the cross-check procedure, based on a general preference that questions concerning representation be resolved by secret ballot elections among the eligible voters. It did not advance any specific impediments to use of the cross-check procedure in this case.

The selection of a method for determining a question concerning representation is a matter delegated by the Legislature to the Commission in 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:

WAC 391-25-391 SPECIAL PROVISION--PUBLIC EMPLOYEES. 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. The 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. [Statutory Authority: RCW ... 41.56.040, 41.58.050, .... 80-14-046 (Order 80-5), §391-25-391, filed 9/30/80, effective 11/1/80.]

Although cross-checks have been authorized by the statute since its inception in 1967, and the Commission's rules on cross-checks have been in place since at least 1980, employers continue to oppose their use based on a general preference for elections.

In City of Redmond, Decision 1367-A (PECB, 1982), the Commission endorsed a "70%" test for the "substantial majority" warranting a cross-check.<sup>1</sup> Employer objections on various grounds were rejected in a trilogy of cases decided by the Commission in 1990. Port of Pasco, Decision 3398-A (PECB, 1990); City of Centralia, Decision

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<sup>1</sup> The same case endorsed delay of eligibility determinations until after a cross-check, to avoid undue delay.

3495-A (PECB, 1990); City of Winslow, Decision 3520-A (PECB, 1990). Clearly, an employer's general preference is not a basis to deny use of the cross-check procedure. Pike Place Market, Decision 3989 (PECB, 1992).

Examination of the petition and pre-hearing statement in this case indicates that only one organization is involved, that the employees are presently unrepresented, and that the union has submitted the kind of substantial showing of interest required by WAC 391-25-391 and City of Redmond, *supra*. Given that the parties have stipulated the list of eligible employees in this case, the cross-check procedure can be implemented in as little time as it takes for the employer to supply the Commission with copies of payroll documents containing employee signatures. That can be done by telefacsimile transmission in a matter of minutes, or by mail in a matter of a few days, and will clearly be less time-consuming than setting up and conducting an election. The employer's general preference is not sufficient to warrant further delay in this bargaining unit of 8 employees.

#### DIRECTION OF CROSS-CHECK

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

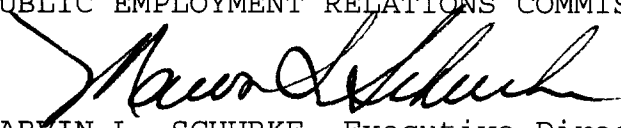
All full-time and regular part-time call receivers/911 dispatchers employed by Stevens County, excluding confidential employees, supervisors, and all other employees.

to determine whether a majority of the employees in that bargaining unit have authorized Teamsters Union, Local 690, to represent them for purposes of collective bargaining.

2. The employer shall immediately supply the Commission with copies of documents from its employment records which bear the signatures of the employees on the eligibility list stipulated by the parties.

Issued at Olympia, Washington, on the 7th day of April, 1995.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

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