

City of Mountlake Terrace, Decision 5787 (PECB, 1996)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:	)	
	)	
SERVICE EMPLOYEES INTERNATIONAL	)	
UNION, LOCAL 6	)	CASE 12812-E-96-2142
	)	
Involving certain employees of:	)	DECISION 5787 - PECB
	)	
CITY OF MOUNTLAKE TERRACE	)	DIRECTION OF CROSS-CHECK
	)	
	)	

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Dan Gilman, Representative, and Tom Leahy, Representative,  
appeared on behalf of the union.

Cabot Dow, Labor Consultant, and John Beaman, Assistant  
City Manager, appeared on behalf of the employer.

On November 12, 1996, Service Employees International Union, Local 6, filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission under Chapter 391-25 WAC, seeking certification as exclusive bargaining representative of certain employees of the City of Mountlake Terrace.

An investigation conference was conducted, by telephone conference call, on December 12, 1996. The parties disagreed about the method to determine the question concerning representation. The union stated a preference for a cross-check, while the employer objected to use of the cross-check procedure. The dispute concerning methodology was referred to the Executive Director.

RCW 41.56.060 sets forth the methods for determining questions concerning representation:

The commission shall determine the bargaining representative by (1) examination of organization memberships roles, (2) comparison of signatures on organization bargaining authorization cards, or (3) by conducting an election specifically therefor.

[1975 1st ex.s. c 296 §17; 1967 ex.s. c 108 §6.]

The Commission's rules limit the availability of the "cross-check" procedure, as follows:.

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 the **organization has been authorized by in excess of seventy percent of the employees** to act as their representative for the purposes of collective bargaining, 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 ... 41.56.090, 41.59.110, ... 96-07-105, §391-25-391, filed 3/20/96, effective 4/20/96.]

Employers occasionally oppose the use of the cross-check procedure on the basis of a general preference for elections. Examination of the petition and investigation statement in this case indicates that the union has submitted the kind of substantial showing of interest required by WAC 391-25-391. The union's showing of interest in excess of 70% inherently indicates little likelihood of an election altering the result.

#### 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 clerical support personnel of the City of Mountlake Terrace Parks and Recreation Department, excluding supervisors, confidential employees, and all other employees.

to determine whether a majority of the employees in that bargaining unit have authorized SEIU, Local 6, 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 31st day of December, 1996.

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.