

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

WASHINGTON STATE COUNCIL OF  
COUNTY AND CITY EMPLOYEES

Involving certain employees of:

PIERCE COUNTY

CASE 127716-E-15

DECISION 12511 - PECB

DIRECTION OF CROSS-CHECK

On November 12, 2015, the Washington State Council of County and City Employees (union or WSCCCE) filed a petition seeking certification as the exclusive bargaining representative of certain employees of Pierce County (employer). An investigation conference was conducted and the parties stipulated to the appropriateness of the petitioned-for bargaining unit but disagreed about the method to determine the question concerning representation.

The issue to be determined is whether use of the cross-check method is appropriate in this case. The union stated a preference for a cross-check, while the employer objected to the use of the cross-check procedure. A cross-check is appropriate.

DISCUSSION

This agency may determine questions concerning representation by “(a) [e]xamination of organization membership rolls; (b) comparison of signatures on organization bargaining authorization cards; or (c) conducting an election specifically therefor.” RCW 41.56.060(1). A “comparison of signatures on organization bargaining authorization cards” is called a cross-check and involves comparing an employee’s signature on his or her authorization card against the employee’s signature on an existing employment record. If the signatures match, then the employee is deemed to have voted in favor of representation.

In order for the cross-check method to be used, the labor organization must (1) be the only organization petitioning to represent the at-issue employees and (2) submit a showing of interest demonstrating that at least 70 percent of the employees signed valid showing of interest cards in support of the labor organization. In *City of Redmond*, Decision 1367-A (PECB, 1982) and numerous subsequent decisions, the Commission and the Executive Director have refused to ignore the cross-check option or to write it out of the statute. Accordingly, the fact that an employer expresses a preference for the question concerning representation to be resolved by an election is not sufficient to disregard the statute and rule.

### ANALYSIS

The record demonstrates that WSCCCE submitted a showing of interest in excess of the 70 percent required by WAC 391-25-391. The wording on the showing of interest cards submitted by WSCCCE clearly indicates that, by signing the card, the employee wishes to be represented by WSCCCE for the purposes of collective bargaining. Employees can be expected to read and give importance to the showing of interest cards they sign for a union.

Furthermore, procedural safeguards have been enacted to ensure that employees have an opportunity to carefully consider whether they still want their showing of interest cards to be used for the purpose of a cross-check. If an employee desires to withdraw his or her authorization card in advance of a cross-check, the procedure for doing so is detailed in WAC 391-25-410(2). Additionally, the investigation statement posted in the employer's workplace clearly informs employees that they will have an opportunity to withdraw their cards for the purpose of a cross-check and provides instructions on how to do so. The investigation statement must be posted in the *workplace* for at least seven days in order to give employees a meaningful opportunity to review the document and to provide a response to the agency. *Washington State University*, Decision 12143 (PSRA, 2014). Finally, when scheduling a cross-check, agency staff must take into consideration potential delays that are outside of the control of any party to the proceeding, including delays in the mailing of the documents.

ORDER

1. 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.
  
2. A cross-check of records shall be conducted by the staff of the Public Employment Relations Commission in the appropriate bargaining unit described as:

All full-time and regular part-time Juvenile Probation Counselors employed by Pierce County, excluding supervisors, confidential employees, and all other employees.

to determine whether a majority of the employees in that bargaining unit have authorized the Washington State Council of County and City Employees to represent them for purposes of collective bargaining.

Issued at Olympia, Washington, on the 23rd day of December, 2015.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MICHAEL P. SELLARS, Executive Director

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



## PUBLIC EMPLOYMENT RELATIONS COMMISSION

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### RECORD OF SERVICE - ISSUED 12/23/2015

DECISION 12511 - PECB has been mailed by the Public Employment Relations Commission to the parties and their representatives listed below:

BY: VANESSA SMITH

CASE NUMBER: 127716-E-15

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