

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

PUGET SOUND POLICE MANAGERS  
ASSOCIATION

Involving certain employees of:

KING COUNTY

CASE 128508-E-16

DECISION 12640 - PECB

DIRECTION OF CROSS-CHECK

On October 26, 2016, the Puget Sound Police Managers Association (union) filed a petition seeking certification as exclusive bargaining representative of the uniformed police officers holding the rank of Major at the King County Sheriff's Office (employer). Representation Case Administrator Dario de la Rosa conducted an investigation 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 employer expressed a preference for a mail ballot election in this instance to ensure that the petitioned-for employees clearly understand that they are going to be included in a stand-alone bargaining unit of Majors. A cross-check is appropriate in this instance.

DISCUSSION

This agency may determine questions concerning representation by either "(a) examination of organization membership rolls; (b) comparison of signatures on organization bargaining authorization cards; or (c) conducting an election specifically therefor." RCW 41.56.060. A "comparison of signatures on organization bargaining authorization cards" is called a cross-check and involves comparing the employee's signature on the 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) must 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 wording on the showing of interest cards in this case clearly indicates that, by signing the card, the employee wishes to be represented by the union 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. Employees can also be expected to read and give importance to any notice from this agency that is posted in the employer's workplace. The proposed bargaining unit description will be included on the investigation statement issued under WAC 391-25-220.

The union submitted a showing of interest in excess of the 70 percent required by WAC 391-25-391. Accordingly, this matter may be resolved through the cross-check procedures. 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). The instructions for an employee to withdraw their showing of interest card will be explained as part of the investigation statement.

### 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 made by the staff of the Public Employment Relations Commission in the appropriate bargaining unit described as:

All full-time and regular part-time Majors of King County Sheriff's Office, excluding confidential employees and all other employees.

to determine whether a majority of the employees in that bargaining unit have authorized the Puget Sound Police Managers Association, to represent them for purposes of collective bargaining.

Issued at Olympia, Washington, on the 13th day of December, 2016.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in dark ink, appearing to read 'M. Sellars', is written over the printed name of Michael P. Sellars.

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

112 HENRY STREET NE SUITE 300  
PO BOX 40919  
OLYMPIA, WASHINGTON 98504-0919

MARILYN GLENN SAYAN, CHAIRPERSON  
MARK E BRENNAN, COMMISSIONER  
MIKE SELLARS, EXECUTIVE DIRECTOR

### RECORD OF SERVICE - ISSUED 12/13/2016

DECISION 12640 - PECB has been mailed by the Public Employment Relations Commission to the parties and their representatives listed below:

BY: DEBBIE BATES

CASE NUMBER: 128508-E-16

EMPLOYER: KING COUNTY  
ATTN: KRISTI D. KNIEPS  
OFFICE OF LABOR RELATIONS  
500 4TH AVE RM 450  
SEATTLE, WA 98104  
kristi.knieps@kingcounty.gov  
(206) 477-1896

REP BY: DIANE HESS TAYLOR  
KING COUNTY  
516 THIRD AVENUE W116  
KCC-SO-0100  
SEATTLE, WA 98104  
diane.taylor@kingcounty.gov  
(206) 263-2544

ROBERT S. RAILTON  
KING COUNTY  
ADM-ES-0450  
500 4TH AVE RM 450  
SEATTLE, WA 98104  
bob.railton@kingcounty.gov  
(206) 263-1967

PARTY 2: PUGET SOUND POLICE MANAGERS ASSOCIATION  
ATTN: CARL COLE  
PO BOX 66379  
BURIEN, WA 98198166  
carl.cole@kingcounty.gov  
(206) 423-2941