

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

TEAMSTERS LOCAL 117

Involving certain employees of:

STATE – CORRECTIONS

CASE 129747-E-17

DECISION 12811 - PSRA

DIRECTION OF CROSS-CHECK

Marie Duarte, Association General Counsel, for the Teamsters Local 117.

Charlynn R. Hull, Assistant Attorney General, Attorney General Robert W. Ferguson, for the Department of Corrections.

On October 10, 2017, the Teamsters Local 117 (union) filed a petition seeking to add the employees working in the Intelligence and Investigations Unit at the Washington State Department of Corrections (employer) into its existing nonsupervisory Institutions bargaining unit. Representation Case Administrator Dario de la Rosa conducted an investigation. 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 objected to the use of the cross-check process and expressed a preference for a mail ballot election. A cross-check is appropriate.

DISCUSSION

This agency may determine questions concerning representation by either “(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. 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.

The Commission's rules limit the availability of the "cross-check" procedure for cases filed under the Personnel Services Reform Act of 2002, Chapter 41.80 RCW. In order for the cross-check method to be used for cases involving state civil service employees, 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 more than 50 percent of the employees signed valid showing of interest cards in support of the labor organization. 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 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 50 percent required by WAC 391-25-396. 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 his or her showing of interest card will be explained in 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 for the appropriate bargaining unit described as

All nonsupervisory classified employees of the Washington State Department of Corrections working in correctional institutions, the correctional industries program, the sex offender treatment program, and the regional business service center, excluding persons exempt from the coverage of Chapter 41.06 RCW, employees in the Washington Management Service, confidential employees, supervisors, institutions employees in historically excluded groups that have not been modified by subsequent orders, and all other employees of the employer.

to determine whether a majority of the employees in the Intelligence and Investigations Unit have authorized the Teamsters Local 117 to represent them for purposes of collective bargaining.

ISSUED at Olympia, Washington, on the 2nd day of January, 2018.

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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DECISION 12811 - PSRA has been mailed by the Public Employment Relations Commission to the parties and their representatives listed below:

BY: DEBBIE BATES

CASE NUMBER: 129747-E-17

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