

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:

SKAGIT PUBLIC TRANSIT BENEFIT
AREA

CASE 130901-E-18

DECISION 12945 - PECB

INTERIM CERTIFICATION

Cross-Check by
Agreement of Parties

Bill Keenan, Director of Organizing, for the Washington State Council of County and City Employees.

John Lee, Attorney, Summit Law Group PLLC, for the Skagit Public Transit Benefit Area.

FINDINGS OF FACT

1. The Washington State Council of County and City Employees filed with the Public Employment Relations Commission a petition concerning representation of employees of the Skagit Public Transit Benefit Area. The petition was timely filed and accompanied by a showing of interest administratively determined by the Commission to be sufficient.
2. Following an investigation conference, the Commission proceeded with a determination of the question concerning representation, and issues concerning the eligibility of certain employees for inclusion in the bargaining unit were reserved for subsequent determination.
3. These representation proceedings were conducted under the supervision of the Commission in the bargaining unit described as:

All Dispatcher, Scheduler, Paratransit Eligibility Specialist, and Route Efficiency Technician employees employed by the Skagit Public Transit Benefit Area, excluding confidential employees, supervisors, and all other employees.
4. All proceedings were conducted in a manner designed to afford the affected employees a free choice in the selection of a bargaining representative, if any; a confidential cross-check of employer and union documents has been conducted by Commission staff and a tally of

the results previously furnished to the parties is attached hereto; the reserved eligibility issues do not affect the outcome of the question concerning representation; and no meritorious objections have been filed with respect to these proceedings.

CONCLUSIONS OF LAW

1. The unit described in finding of fact 3 is an appropriate unit for the purpose of collective bargaining within the meaning of RCW 41.56.060.
2. All conditions precedent to issuance of an interim certification have been met.

CERTIFICATION

1. The employees of the Skagit Public Transit Benefit Area in the appropriate bargaining unit described in finding of fact 3 have chosen

Washington State Council of County and City Employees

as their representative for the purpose of collective bargaining with their employer.

2. The above-captioned matter is remanded for further proceedings on the eligibility issues reserved as described in finding of fact 2.

ISSUED at Olympia, Washington, this 29th day of November, 2018.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MICHAEL P. SELLARS, Executive Director



TALLY OF CROSS-CHECK
PUBLIC EMPLOYMENT RELATIONS COMMISSION
PO Box 40919, Olympia, WA 98504
360.570.7300 | www.perc.wa.gov

Case Number 130901-E-18 Employer Skagit Public Transit Benefit Area

The Public Employment Relations Commission has conducted a confidential cross-check under WAC 391-25-410 and certifies the results as follows:

- 1. Employees eligible to be in the bargaining unit 12
2. Employees whose inclusion in the unit is challenged 1
3. Total employees to be considered (Total of Lines 1 and 2) 13
4. Valid authorization cards required (Majority of Line 3) 7
5. Total cards of eligible employees examined 11
6. Cards rejected as invalid 0
7. Valid cards accepted in support of WSCCCE 11

- 8. The Result of the Cross-Check is:
[] Eligibility challenges affect the result
[X] In favor of the organization listed on line 7
[] In favor of No Representation

Date Issued November 19, 2018 By: Emily K. Whitney

TALLY OF CROSS-CHECK

APPLICABLE RULES: The Public Employment Relations Commission (PERC) processes representation elections under Chapters 10-08, 391-08 and 391-25 WAC. Rules are available at www.perc.wa.gov or 360.570.7300.

What is a cross-check?

A cross-check is a verification of signatures on authorization cards compared with signatures on employee records supplied by the employer.

Upon verification that the majority of the employees in the bargaining unit signed cards in favor of representation, the petitioning union will be certified as representative; otherwise No Representation will be certified.

When can a cross-check occur?

A cross-check may be directed when a petition is supported by authorization cards from more than:

- 50% of state civil service employees in the proposed bargaining unit; or
- 70% of employees in the proposed bargaining unit under all other statutes.

What is an eligibility challenge and how does it affect the tally?

When there is a question regarding an employee's eligibility to be included in a bargaining unit, that employee's authorization card is not verified against the signatures provided by the employer.

How are challenges resolved?

Challenges are resolved by a formal hearing to determine an employee's eligibility in the bargaining unit.

When are cards rejected as invalid?

If the signature of the card supporting the petition does not clearly match the signature on the records provided by the employer, the card is rejected as invalid.

For what reasons may objections be filed?

Objections may be filed for specific conduct that has improperly affected the results of the cross-check.

When are objections due?

Objections are due within seven days after the tally has been issued. See WAC 391-25-590 for more information.

When is a certification issued?

- Provided no objections are filed and challenges do not affect the outcome of the cross-check, the tally results will be certified eight days after the tally is issued.
- When challenges affect the outcome of the cross-check, the certification will be issued after the challenges are resolved.





RECORD OF SERVICE

ISSUED ON 11/29/2018

DECISION 12945 - PECB has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

BY: DEBBIE BATES

CASE 130901-E-18

EMPLOYER: SKAGIT PUBLIC TRANSIT BENEFIT AREA

REP BY: DALE O'BRIEN
SKAGIT PUBLIC TRANSIT BENEFIT AREA
600 COUNTY SHOP LN
BURLINGTON, WA 98233-9772
dobrien@skagittransit.org

JOHN LEE
SUMMIT LAW GROUP PLLC
315 5TH AVE S STE 1000
SEATTLE, WA 98104
johnl@summitlaw.com

PARTY 2: WSCCCE

REP BY: CHRIS DUGOVICH
WSCCCE
PO BOX 750
EVERETT, WA 98206-0750
c2everett@council2.com

BILL KEENAN
WSCCCE
PO BOX 750
EVERETT, WA 98206-0750
bilk@council2.com