

REPRESENTATION PETITIONS FREQUENTLY ASKED QUESTIONS

BACKGROUND

In April 2007 the Legislature passed Substitute House Bill 2361 that grants certain employees of institutions of higher education the right to pursue the ability to collectively bargain. The bill was signed by the Governor on April 19, 2007 and will become effective July 22, 2007. The legislation can be viewed at:

<http://www.leg.wa.gov/pub/billinfo/2007-08/Pdf/Bills/Session%20Law%202007/2361-S.SL.pdf>

WHAT IS THE PETITIONING PROCESS?

A representation petition is processed by the Public Employment Relations Commission (PERC) in accordance with its rules governing representation cases. For a petition to be valid, a union must submit signed authorization cards in support of union representation from a minimum of thirty percent (30%) of the total number of employees in the petitioned for unit. Once PERC verifies that a sufficient number of authorization cards have been submitted it prepares a Notice of Petition that the employer must post. The parties then discuss the appropriateness of the petitioned for bargaining unit. If agreement is reached on the appropriateness of the unit (a unit that has a reasonable community of interest), the PERC moves to the certification phase of the process. If the union has submitted authorization cards for seventy percent (70%) or more of the agreed upon appropriate bargaining unit, the PERC will certify the union as the exclusive bargaining representative without an election. If the union has submitted signed authorization cards for more than thirty percent (30%) but less than seventy percent (70%) of the agreed upon appropriate unit, the PERC will conduct a certification election. Lastly, if the parties can't agree on the appropriate unit the PERC will conduct a hearing to determine the appropriate unit.

IF THERE IS AN ELECTION HOW WILL THAT WORK?

All employees included in the proposed bargaining unit will be eligible and have an opportunity to vote. The PERC will supervise the election and it will be by secret mail ballot. Prior to the election PERC will prepare a formal Notice of Election containing election details that will be posted. Just like political elections, the outcome of the election will be determined by a simple majority of those who vote. Therefore, in order to have your opinion count, you must vote. Having signed or not signed an authorization card is not binding on your vote. The PERC representation coordinator will respond to any questions regarding the election or voter eligibility.

WHAT HAPPENS AFTER AN ELECTION?

An election determines whether or not a majority of the eligible voters want a union to be certified as the exclusive bargaining representative for collective bargaining purposes. If a majority of voters do not support the union, the union will not become the certified bargaining representative and the employee continues to be a non-union employee. If a majority of voters support the union, PERC will certify the union as the exclusive

bargaining representative and the union will have the right to negotiate a collective bargaining agreement with the University on behalf of the bargaining unit. The union must get a majority of the votes cast in order to prevail, and so in the event of a tie, the union will not be certified.

WHAT ARE THE “RULES” FOR CAMPAIGNING DURING THE ELECTION PERIOD?

Campaigning in support or opposition to a union should not disrupt normal operations and should be restricted to non-work times with meetings held in non-work places. Buttons and stickers may be worn if they pose no safety hazard and do not result in work disruptions. Employees who normally engage in casual conversation while working can include union matters in their conversations as long as normal operations are maintained. The University’s mail system may not be used; neither may University owned FAX and copy machines. Employees have equal right to choose to be active or inactive during the campaign and to support or oppose the union. The campaign “rules” apply equally.

ARE THERE ANY RESTRICTIONS ON THE UNIVERSITY DURING THE TIME THAT THE PETITION IS BEING PROCESSED?

The PERC has ruled that “changes of the status quo concerning wages, hours or other terms and conditions of employment of employees in the bargaining unit are prohibited during the period that a petition is pending before the commission.” The University is also expected to continue with any changes that were already announced prior to the petition being filed. It will be important to discuss any potential changes with the UW Labor Relations office prior to implementation.

WHAT DOES “FULL COLLECTIVE BARGAINING MEAN”?

In 2002 the Washington State legislature passed civil service reform legislation. The law expands subjects that may be negotiated between unions and employers and the parties are free to negotiate most all wages, hours and working conditions.

IF THE UNION IS CERTIFIED AS THE EXCLUSIVE BARGAINING REPRESENTATIVE IS PAYMENT OF DUES OR A FEE A CONDITION OF EMPLOYMENT?

The payment of dues or a fee as a condition of employment (union shop) is not a direct result of union certification. Creation of a union shop as a condition of employment is a subject of bargaining.