

**WAC 391-25-270 Interim certification—Supplemental proceedings.**

Where the matters at issue in a proceeding under this chapter are limited to the eligibility of particular individuals or classifications for inclusion in the bargaining unit, the executive director or designee may expedite the determination of the question concerning representation while reserving the eligibility issues for subsequent determination.

(1) The agency shall conduct an election or cross-check, as may be appropriate.

(a) The individuals whose eligibility is disputed shall be permitted to vote by challenged ballot in an election.

(b) The individuals whose eligibility is disputed shall be listed as challenged in a cross-check, and any authorizations signed by those individuals shall not be tallied.

(2) After a tally is issued under WAC 391-25-550:

(a) If the challenges are sufficient in number to affect the outcome, they shall be determined under subsection (3) of this section, prior to the issuance of a certification.

(b) If an organization is entitled to certification regardless of the reserved eligibility issues, a certification shall be issued, but the case shall remain open for supplemental proceedings under subsection (3) of this section. The employer and the exclusive bargaining representative shall have the duty to bargain, under the applicable statute, after a certification is issued under (b) of this subsection.

(c) If a certification of "no representation" is appropriate regardless of the reserved eligibility issues, a certification shall be issued and no supplemental proceedings shall be conducted.

(3) All eligibility issues reserved for subsequent determination under this section shall be resolved under WAC 391-25-290, 391-25-310, 391-25-350 and 391-25-390, without regard to whether the individuals cast challenged ballots.

[Statutory Authority: RCW 28B.52.080, 41.56.090, 41.59.110, 41.58.050, 28B.52.030, 41.56.060, 41.56.070, 41.56.080, 41.59.070, 41.59.080 and 41.59.090. WSR 01-14-009, § 391-25-270, filed 6/22/01, effective 8/1/01. Statutory Authority: RCW 28B.52.080, 41.56.090, 41.59.110, 41.58.050, 28B.52.030, 41.56.060, 41.56.070, 41.59.070 and 41.59.080. WSR 00-14-048, § 391-25-270, filed 6/30/00, effective 8/1/00; WSR 98-14-112, § 391-25-270, filed 7/1/98, effective 8/1/98. Statutory Authority: RCW 41.58.050, 28B.52.080, 41.56.090, 41.59.110, 41.56.060, 41.56.070, 41.59.070 and 41.59.080. WSR 90-06-072, § 391-25-270, filed 3/7/90, effective 4/7/90. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. WSR 80-14-046 (Order 80-5), § 391-25-270, filed 9/30/80, effective 11/1/80.]