

WAC 296-133-200 Conduct of election. In the event a representation election is conducted for the purposes of certification, the following rules shall apply:

(1) Notice of election shall be given to all interested parties, and shall be prominently posted by the employer at a place or places within the health care services facility reasonably accessible to all employees. Notices of election shall be sent by mail to all interested parties no less than ten days prior to the date of the election excluding Saturdays, Sundays and legal holidays. Notices of election shall contain the following information; the date of election, hours and place of election, a list of employees eligible to vote, a description of the bargaining unit and a listing of employee organizations from which eligible employees may choose by ballot as well as a choice that such employees do not wish to be represented by any bargaining representative.

(2) Employee shall be deemed eligible to vote in an election for the certification of an exclusive bargaining representative of the employees of an appropriate bargaining unit who are regularly employed within the bargaining unit, either full or part time, and who are in the employ of the employer within fourteen days prior to the date of the issuance of the notice of election and on the date of election, except, supervisors as defined in section 2, subsection 5 of the act, and guards as defined in section 2, subsection 6 of the act, unless the bargaining unit is exclusively devoted to employees serving in the capacity of guards. Employees otherwise eligible to vote in a certification election may be permitted to vote by absentee ballot upon the filing of an affidavit with the authorized agent indicating that such person is eligible to vote in the certification election and that by reason of physical incapacity will be unable to be present at the balloting place on the date of election. The casting of ballots in a representation election by proxy will not be permitted.

(3) Each of the interested parties may designate one person as observer at the polls. Unless otherwise stipulated by the interested parties, observers must be nonsupervisory employees of the health care activities employer.

(4) Any observer, or the authorized agent, for good cause may challenge any employee's eligibility to vote. A challenged ballot shall be placed in an envelope bearing no identifying marks. It shall be placed in another envelope upon which shall be written the name of the employee desiring to cast a ballot, the reasons for which the ballot was challenged, by whom it was challenged, the polling place at which it was challenged, and the envelope shall be sealed and initialed by the authorized agent.

(5) The challenged ballots previously placed in separate envelopes shall be placed in a sealed envelope marked "challenged ballots" and sent along with the tally sheet to the authorized agent. The challenged ballots shall not be opened or counted unless the counting of such ballots might affect the results of the election. If the challenged ballots might affect the results of the election, the authorized agent shall conduct an investigation into and if requested conduct a formal hearing on the validity of the challenges made. If it is concluded that the challenge was properly made, that ballot shall be excluded from the count. Otherwise, such ballot shall be counted as cast.

(6) Ballots may not be tallied until after the time for the closing of the polls unless all eligible voters have cast their ballot.

(7) Within five days after the tally of the ballots has been furnished, any party may file with the authorized agent an original and three copies of objections to the conduct of the election, or conduct affecting the results of the election, which shall contain a short factual statement of the reasons for the objections. Such filing must be timely, whether or not the challenged ballots are sufficient in number to affect the results of the election. Copies of such objections shall immediately be served by mail upon the other parties by the party filing them. If objections are filed to the conduct of the election, or conduct affecting the result of the election, the authorized agent shall investigate such objections. If the objections to the conduct of the election were sustained and the objections would affect the results of the election, the authorized agent, if requested by one of the interested parties, shall conduct a formal hearing.

[Order 72-13, § 296-133-200, filed 7/31/72.]