

WAC 391-25-140 Notice to employees—Limitations on employer actions. (1)(a) The employer shall provide to the petitioned-for employees a copy of the petition and a notice created by the agency to inform employees of the existence of proceedings under this chapter. The employer shall also post the notice in conspicuous places on its premises where notices to affected employees are usually posted. The notice must remain posted until a direction of election or order of dismissal is issued in the proceeding.

(b) The posting requirement in this subsection does not apply to the bargaining units described in RCW 74.39A.270, 74.39A.300, 41.56.028, 41.56.029, and 41.56.510.

(2) 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 agency under this chapter.

(3) The employer may not express or otherwise indicate any preference between competing organizations if two or more employee organizations are seeking to represent its employees.

(4) If a petition filed under this chapter involves employees who are represented for the purposes of collective bargaining, the employer shall suspend negotiations with the incumbent exclusive bargaining representative on a successor collective bargaining agreement involving employees affected by the petition. The employer and incumbent union may proceed with negotiations covering employees not affected by the petition and shall resume negotiations on a successor agreement covering the affected employees after the question concerning representation is resolved, if the incumbent exclusive bargaining representative retains its status.

(5) An order dismissing a representation petition lifts the obligations under subsections (2) and (4) of this section. Those obligations are reinstated upon the filing and service of a notice of appeal.

(6) Any party to the proceeding may petition the commission to stay the obligations under subsections (2) and (4) of this section if the petitioning party demonstrates a need for a change in terms and conditions of employment due to circumstances that are beyond that party's control or if the failure to resume bargaining would substantially harm the petitioned-for employees and leave the parties without an adequate administrative remedy. A petition filed under this subsection must be accompanied by affidavits and evidence.

(a) Following the receipt of a petition under this subsection, the due date for any counter-affidavits from other parties is seven days following the date on which that party is served with the petition.

(b) The executive director shall forward all petitions and affidavits to the commission, which shall determine whether to stay the obligations under subsections (2) and (4) of this section at the next regularly scheduled commission meeting.

(c) If the commission uses its authority under this subsection, any party seeking review of the commission's decision may seek relief through the courts.

[Statutory Authority: RCW 28B.52.080, 41.56.090, 41.58.050, 41.59.110, 41.76.060, 41.80.080, 47.64.135, and 49.39.060. WSR 22-23-101, § 391-25-140, filed 11/16/22, effective 1/1/23. Statutory Authority: RCW 28B.52.080, 41.56.090, 41.58.050, 41.59.110, 41.76.060, 41.80.080. WSR

08-04-058, § 391-25-140, filed 1/31/08, effective 4/1/08. Statutory Authority: RCW 28B.52.080, 41.56.090, 41.59.110, 41.58.050, 41.56.050. WSR 01-14-009, § 391-25-140, filed 6/22/01, effective 8/1/01; WSR 96-07-105, § 391-25-140, filed 3/20/96, effective 4/20/96. Statutory Authority: RCW 41.58.050, 28B.52.080, 41.56.090, 41.59.110 and 41.56.050. WSR 90-06-072, § 391-25-140, filed 3/7/90, effective 4/7/90. Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. WSR 88-12-054 (Order 88-02), § 391-25-140, filed 5/31/88.]