

TRANSMITTAL OF RULES ADOPTED BY INSTRUCTION OF HIGHER EDUCATION
(Instruction for Completion of Back of Page)

FROM: CLARK COMMUNITY COLLEGE DISTRICT NO. 14
(Name of Institution)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98504

The enclosed Permanent rules
Emergency rules , being order No. 2

relating to (Name of rules or description of subject matter)

The election or decertification of academic employee's
representatives pursuant to chapter 28B.52 RCW.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. _____ ① filed with the code reviser
on _____ ② were regularly adopted as permanent rules of this
(date)
institution at _____ on _____ and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter
28B.19 RCW (1971 1st ex.s. c 57). The effective date of such rules
shall be _____. ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of
these rules is necessary for the preservation of the public
health, safety, or general welfare and that observance of the
requirements of notice and opportunity to present views on the
proposed action would be contrary to the public interest, were
regularly adopted as emergency rules of this institution at
Clark Community College, Vancouver, WA.
Board Room _____ on 3/6/73 and are herewith filed in the office
(place) (date)
of the code reviser pursuant to chapter 28B.19 RCW (1971 1st ex.s.
c 57).

The undersigned hereby certifies that the requirements of chapter
28B.19 RCW (1971 1st ex.s. ch 57) and of the Open Public Meetings
Act of 1971, chapter 42.30 RCW (1971 1st ex.s. ch 250) have been
fulfilled.

Dated this 7th day of March 1973.

STATE OF WASHINGTON
FILED
MAR 7 1973
CODE REVISER'S OFFICE
DOCKET # 4643 FILE # 1

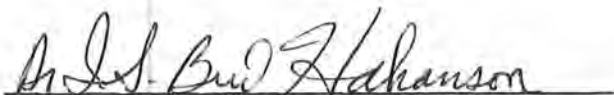
CLARK COMMUNITY COLLEGE, DIST. NO. 14
(INSTITUTION)
Robert E. Patterson
By: ROBERT E. PATTERSON
Assistant Attorney General
Title
[Form CR-5]

- ① Notice number as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use no. of last notice)
- ② Stamped date as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use date of last notice)
- ③ Unless a later date is specified in this order or is prescribed in another statute, rules are effective 30 days after filing: RCW 28B.19.050(2) (1971 1st ex.s. c 57 §5 (2)). Leave this space blank except in such special cases.

Be it resolved by the Board of Trustees of Clark College, District No. 14, that it finds that the immediate adoptions of rules governing the election of an academic employee's representative pursuant to CH. 28B.52 RCW is necessary for the preservation of the public health, safety, or general welfare and that the observance of the requirements of notice and opportunity to present views on such rules would be contrary to the public interest for the reason that the certification of the current employee's representative has been challenged and it is deemed necessary to resolve the issue in the interests of employer - employee relations and the commencement of negotiations for the 1973-74 college year;

Now therefore, the Board hereby adopts WAC 132N-112-003 through WAC 132N-112-069, attached and incorporated herein, as emergency rules of the district and directs that they be filed with the code revisor and thus become effective immediately.

I certify that the foregoing, together with the attached rules, is a true and accurate copy of a resolution adopted on March 6, 1973, by the Board of Trustees of Community College District No. 14 during the course of a duly called and held public meeting.



Dr. I. S. "Bud" Hakanson
President and Secretary
to the Board of Trustees

WAC 132N-112-003 PURPOSE. Pursuant to Chapter 28B.52 RCW, the Board of Trustees of Community College District No. 14 establishes the following rules to strengthen methods of administering employer-employee relations through the establishment of orderly methods of communication between academic employees of Community College District No. 14 and the Board of Trustees of Community College District No. 14.

WAC 132N-112-006 REQUEST FOR ELECTION - CANVASS OF ACADEMIC EMPLOYEES BY INDEPENDENT AND NEUTRAL PERSON OR ASSOCIATION. Any organization of academic employees of Community College District No. 14 desiring to be recognized as the majority organization representing such employees pursuant to Chapter 28B.52 RCW, shall request in writing of the Board of Trustees of Community College District No. 14 that an election be held to determine whether a majority of such employees desire to designate it as their representative for the purposes of said chapter. Upon the receipt of such a request the Board of Trustees of Community College District No. 14 will request some independent and neutral person or association to determine whether thirty per cent or more of the academic employees of Community College District No. 14 have indicated that they desire to be represented by that organization for such purposes. The independent and neutral person or association shall make such determination upon the basis of records of dues, paying memberships, signed authorizations to represent, or other reliable and probative evidence.

WAC 132N-112-009 NOTICE OF ELECTION - ORGANIZATIONS TO BE INCLUDED ON BALLOT - TIME FOR FILING. If the independent and neutral person or association determines that thirty per cent or more of the academic employees of Community College District No. 14 have indicated that they desire to be represented by that organization for such purposes, the Board of Trustees of Community College District No. 14 will publish a notice that it will hold an election as soon as practical to determine whether the academic employees of Community College District No. 14 desire the requesting organization or any other organization to represent them for the purposes of Chapter 28B.52 RCW. Any other organization of academic employees desiring to be designated as the majority organization representing such employees shall, within seven days after publication of such notice by the Board of Trustees of Community College District No. 14, file with the Board of Trustees a request in writing that its name be included on the ballot in the election to be held together with written proof of at least ten percent representation of the academic employees of the district. No organization shall be permitted to have its name placed on the ballot used in the election unless such a request has been received within seven days after the publication of the notice that an election will be held.

WAC 132N-112-012 CONTENTS OF NOTICE OF ELECTION - DESIGNATION OF CHIEF ELECTION OFFICER - DUTIES. The notice published by the Board of Trustees of Community College District No. 14, pursuant to WAC 132N-112-009 shall state the date, hours, and polling places for the election. The notice shall also designate a chief election officer of the election and charge him with the duty of preparing the ballots and promulgating instructions concerning the

details of the election to be conducted pursuant to WAC 132N-112-003 through WAC 132N-112-069.

WAC 132N-112-015 LIST OF ACADEMIC EMPLOYEES - POSTING OF LIST.

In any election conducted pursuant to WAC 132N-112-003 through WAC 132N-112-069 lists of academic employees eligible to vote shall be prepared by the Board of Trustees listing academic employees by voting places. Such lists shall be posted at least 24 hours before the election. Such lists shall be for informational purposes and shall not be conclusive as to the right of an academic employee to vote in the election.

WAC 132N-112-018 ELECTION INSPECTORS - DUTIES - RIGHT TO CHALLENGE

VOTER - IMPROPER CONDUCT. The election officer shall designate at least one inspector for each polling place to observe the conduct of the election. Any organization whose name shall appear on the ballot in the election shall also be entitled to have one inspector present at each polling place to observe the conduct of the election. Each organization shall also be entitled to have one inspector present at each polling place to observe the conduct of the election. Each organization shall also be entitled to have an inspector present at the College District Office for the counting of the ballots cast. Such inspectors must refrain from electioneering during the election. They may challenge the eligibility of any person to vote in the election, and, upon such challenge, the ballot of that person shall be treated as provided in WAC 132N-112-024 and WAC 132N-112-036 through WAC 132N-112-048. Inspectors shall also report in writing to the chief election officer any conduct which they observe in the course of balloting which they believe may have improperly affected the result of the voting at the polling place at which they serve as observers.

WAC 132N-112-021 BALLOTS. The ballots used in any election held pursuant

to WAC 132N-112-003 through WAC 132N-112-069 shall be in the following form:

* To select for Representation Purposes Pursuant to Chapter *
* 28B.52 RCW, a Majority Organization to Represent Academic *
* Employees of Community College District No. 14 *

Vote for one *

* ORGANIZATION X *

* ORGANIZATION Y *

* NO ORGANIZATION (Neither *

* *

* Do not sign your name or put other identifying marks on this *
* ballot. Should you incorrectly mark this ballot or otherwise *
* spoil it, you may return it to the chief election officer or *
* his inspector and obtain a new ballot. *

WAC 132N-112-024 RECORD OF VOTE - SIGNATURE - CHALLENGE. At the time of the election the name of each employee voting shall be recorded by his signature written beside his name on the voting list for the polling place at which he votes. Each academic employee may cast only one ballot in any election held pursuant to these rules, and the presence of a signature beside the name of an employee desiring to vote shall automatically constitute grounds for challenge to his right to cast a ballot in an election.

WAC 132N-112-027 INCORRECTLY MARKED BALLOT. Any voter who incorrectly marks his ballot may obtain a new ballot by returning the incorrectly marked ballot to the chief election officer's inspector. Such incorrectly marked ballot shall be marked void in the presence of the inspectors of organizations participating in the election before the new ballot is delivered to the voter.

WAC 132N-112-030 PRIVACY FOR VOTER - EQUIPMENT. Voters shall be provided with tables or desks so arranged that a voter may mark his ballot without making it possible for other persons to observe the manner in which he has marked it.

WAC 132N-112-033 FOLDING BALLOT - BALLOT BOX. Each voter shall fold his ballot so that the manner in which he has marked it cannot be observed and shall then place it in the locked ballot box provided at the designated voting place.

WAC 132N-112-036 CHALLENGED BALLOT - PROCEDURE. A challenged ballot shall be placed in an envelope bearing no identifying marks. It shall then be placed in another envelope upon which shall be written the name of the employee desiring to cast the ballot, the reasons for which the ballot was challenged, by whom it was challenged, and the polling place at which it was challenged, and the envelope shall be sealed and initialed by the election inspectors.

WAC 132N-112-039 EMPLOYEES PRESENT ENTITLED TO VOTE- SEALING BALLOT BOX - UNUSED BALLOTS. At the time for closing the polls, all academic employees present and waiting at the polling place shall be entitled to vote. The ballot box shall then be sealed. All unused ballots shall then be counted in the presence of election inspectors.

WAC 132N-112-042 ELECTION INSPECTORS DUTIES AFTER VOTING HAS TERMINATED. When all voting has terminated at a polling place, the election inspectors will bring to the chief election officer at the Community College District Office the following: 1) signed voting list of eligible academic employees, 2) all unused ballots, 3) all challenged ballots, and 4) the sealed ballot box containing all ballots cast.

WAC 132N-132-045 DISPOSITION OF CHALLENGED BALLOTS - TALLY SHEETS - INVESTIGATION BY CHIEF ELECTION OFFICER. 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 chief election officer. 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 chief election officer shall conduct an investigation into, or if necessary a formal hearing on, the validity of the challenges made. If he concludes that the challenge was properly made, that ballot shall be excluded from the count. Otherwise, such ballot shall be counted as cast.

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WAC 132N-112-048 COUNTING OF BALLOTS - PROCEDURE - CERTIFICATION OF RESULTS OF ELECTION - RETENTION OF BALLOTS - SIGNED VOTING LISTS. When ballot boxes from all voting places have been received by the chief election officer's inspector, he shall open them and thoroughly mix all ballots cast so that it is impossible to identify the polling place from which any particular ballot came. The ballots cast shall be separated into the categories as they have been cast for organizations participating in the election, for no organization, and void ballots which are unintelligible or for an organization not participating in the election. The ballots in these categories shall be counted by the chief election officer with the assistance of such of his election inspectors as shall be necessary in the presence of the inspectors for the organizations participating in the election. After the ballots have been so counted each inspector designated by the organizations to serve at the Community College District Office shall indicate by his signature upon the tally sheet that he agrees with the count made, or in case of disagreement, he shall write a short statement of his grounds for disagreement with the count. The chief election officer shall certify to the Board of Trustees the results of the election within forty-eight hours after the polls have been closed. The used ballots, the unused ballots, the challenged ballots, and the signed voting lists of eligible academic employees shall be kept by the chief election officer or some person designated by him for one year after the election.

WAC 132N-112-051 ELECTIONEERING WITHIN THE POLLS FORBIDDEN. No election signs, banners, or buttons shall be permitted in the room in which the balloting takes place, nor shall any person in that room discuss the advantages or disadvantages of representation by an organization whether on the ballot or otherwise, nor shall any person in that room engage in any other form of electioneering.

WAC 132N-112-054 CONTEST OF ELECTION - TIME FOR FILING OBJECTIONS - INVESTIGATION OF OBJECTIONS. Any organization, the name of which appears on the ballot, or any academic employee may within five days after the certification of the results of an election under the provisions of WAC 132N-112-048, file objections to the conduct of the election with the chief election officer designated by the Board of Trustees pursuant to WAC 132N-112-012. The election officer shall investigate such objections and, if necessary, hold formal hearings thereon. He shall report thereon to the Board of Trustees. If the Board of Trustees shall conclude that the conduct objected to may have improperly affected the results of the election, it shall order a new election. Otherwise, it shall overrule the objections and the results of the election shall be considered final. Objections to the conduct of the election which are not filed in accordance with the provisions of this section shall be waived and of no effect.

WAC 132N - 112-057 PERSONS ELIGIBLE TO VOTE - DEFINITION OF "ACADEMIC EMPLOYEE." All academic employees of Community College District #14 shall be eligible to vote pursuant to WAC 132N -112-003 through WAC 132N -112-063 who are employed at the time of the election provided for by such rules and who: 1) are employed on a full time basis, or 2) if employed on a part time basis, have been employed as an academic employee of the district for at least one quarter (i.e. fall, winter, spring, or summer quarter) during either the current or the previous academic year. "Academic employee" shall mean any teacher, counselor, librarian, division chairman, or administrator, who is employed by Community College District No. 14, with the exception of the chief administrative officer of the district.

WAC 132N-112-060 ELECTION DETERMINED BY MAJORITY OF VALID VOTES CAST - RUN-OFF ELECTION. An organization of academic employees which receives a majority

of the valid votes cast in an election held in accordance with WAC 132N-112-003 through WAC 132N-112-069 shall be recognized as representing the academic employees of Community College District No. 14 pursuant to Chapter 28B.52 RCW. If more than one organization of academic employees has participated in an election and a majority of the valid votes cast has not been either for representation by one of the organizations or for no representation, a run-off election shall be held. In such a run-off, only those two choices receiving the highest number of valid votes cast in the initial election shall appear on the ballot.

WAC 132N-112-066 ELECTION DATES. Any election conducted pursuant to WAC 132N-112-003 through WAC 132N-112-069 during the 1972-73 fiscal year shall be held no earlier than March 15, 1973 and no later than April 15, 1973. All subsequent elections shall be held as follows: Any election conducted during the effective period of a collective bargaining agreement between the District and a certified academic employees' representative shall be held no sooner than ninety (90) days and no later than sixty (60) days before the expiration date or renewal date of such agreement, whichever is sooner; and, in the event no organization of the academic employees is selected in an election held pursuant to these rules, another election shall not be held until the lapse of one year from the date the results of the preceding election were certified.

WAC 132N-112-069 CERTIFICATION OF ACADEMIC EMPLOYEES' REPRESENTATIVE. The employee organization which receives the majority of all votes cast in any election held pursuant to WAC 132N-112-003 through WAC 132N-112-069 shall be certified as the representative of all academic employees, with the exception of the chief administrative officer of the district, as of the expiration or non-renewal, whichever is sooner, of any collective bargaining agreement between the District and a certified academic employees' absence of any such collective bargaining agreement, certification of the prevailing organization shall be effective concurrently with certification of the election results as provided in WAC 132N-112-048.