

[Statutory Authority: RCW 42.17.370(1). 88-20-029 (Order 88-04), § 390-24-010, filed 9/29/88; 86-19-039 (Order 86-06), § 390-24-010, filed 9/12/86; 86-08-030 (Order 86-02), § 390-24-010, filed 3/26/86; 85-24-020 (Order 85-05), § 390-24-010, filed 11/26/85; 84-01-017 (Order 83-03), § 390-24-010, filed 12/9/83; 80-18-028 (Order 80-07), § 390-24-010, filed 12/1/80; 80-02-055 (Order 80-01), § 390-24-010, filed 1/17/80; Order 94, § 390-24-010, filed 10/31/77; Order 87, § 390-24-010, filed 11/19/76; Order 62, § 390-24-010, filed 8/26/75; Order 48, § 390-24-010, filed 3/3/75; Order 44, § 390-24-010, filed 9/26/74; Order 6, § 390-24-010, filed 3/23/73.]

WAC 390-24-200 Descriptions of real property. (1) For the purposes of reporting real property as required by RCW 42.17.241 [(1)] (h)-(k), the filer shall list the street address of each parcel, if there is one. If there is no address, other sufficient descriptions of the property would be (a) the assessor's parcel number, (b) the abbreviated legal description appearing on property tax statements, or (c) the complete legal description.

(2) Each property description shall be followed by the name of the county in which the property is located.

[Statutory Authority: RCW 42.17.370(1). 88-20-029 (Order 88-04), § 390-24-200, filed 9/29/88; 86-08-030 (Order 86-02), § 390-24-200, filed 3/26/86; Order 63, § 390-24-200, filed 9/10/75.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Title 391 WAC PUBLIC EMPLOYMENT RELATIONS COMMISSION

Chapters

391-08	Rules of practice and procedure--Public employment relations commission.
391-25	Representation case rules.
391-35	Unit clarification case rules.
391-45	Unfair labor practice case rules.
391-55	Impasse resolution rules.
391-65	Grievance arbitration rules.
391-95	Union security dispute rules.

Chapter 391-08 WAC RULES OF PRACTICE AND PROCEDURE-- PUBLIC EMPLOYMENT RELATIONS COMMISSION

WAC

391-08-120 Service of process--Filing and service of papers.

WAC 391-08-120 Service of process--Filing and service of papers. (1) All notices, pleadings, and other papers filed with the agency or the presiding officer shall be served upon all counsel and representatives of record and upon parties not represented by counsel or upon their agents designated by them or by law.

(2) Service shall be made personally or, unless otherwise provided by law, by first class, registered, or certified mail, or by telegraph.

(3) Service by mail shall be regarded as completed upon deposit in the United States mail properly stamped and addressed, and by telegraph when deposited with a telegraph company properly addressed and with charges prepaid.

(4) Papers required to be filed with the agency or with the presiding officer shall be deemed filed upon actual receipt during office hours at:

(a) The Olympia office of the commission for any papers required to be filed with the commission, the executive director, or the agency generally; or

(b) Any office of the agency or of the presiding officer for any papers required to be filed with the presiding officer.

(5) Where proof of service is required by statute or rule, filing the papers with the presiding officer, together with either an acknowledgment of service or the following certificate shall constitute proof of service:

"I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by delivering a copy thereof in person to (names) or by mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or his or her attorney or authorized agent.

Dated at ----- this ... day of -----, 19....
(signature)"

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-053 (Order 88-01), § 391-08-120, filed 5/31/88. Statutory Authority: RCW 34.04.022, 41.58.050, 41.56.090, 41.59.110 and 28B.52.080. 83-24-031 (Order 83-01), § 391-08-120, filed 12/1/83, effective 1/1/84; Order 77-1, § 391-08-120, filed 1/27/77.]

Chapter 391-25 WAC REPRESENTATION CASE RULES

WAC

391-25-090	Contents of petition filed by employer.
391-25-110	Supporting evidence.
391-25-140	Notice to employees.
391-25-190	Intervention--By organization other than incumbent.
391-25-290	Notice of hearing.
391-25-390	Proceedings before the executive director.
391-25-470	Electioneering.

WAC 391-25-090 Contents of petition filed by employer. Each petition filed by an employer shall contain all of the information required by WAC 391-25-070, except for that required by WAC 391-25-070(4), and shall conform to the following additional requirements:

(1) Each petition filed by an employer shall contain a statement that the employer has been presented with a demand by an organization seeking recognition as the exclusive representative of the employees in the bargaining unit described in the petition.

(2) WAC 391-25-110 shall not be applicable to such petitions.

(3) Where the status of an incumbent exclusive bargaining representative is questioned, the employer shall

attach such affidavits and other documentation as may be available to it to demonstrate the existence of a good faith doubt concerning the representation of its employees. To constitute a basis for a good faith doubt under this paragraph, signature documents provided to the employer by employees must be in a form which would qualify as supporting evidence under WAC 391-25-110 if filed by the employees directly with the commission.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-054 (Order 88-02), § 391-25-090, filed 5/31/88. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-046 (Order 80-5), § 391-25-090, filed 9/30/80, effective 11/1/80.]

WAC 391-25-110 Supporting evidence. The original petition shall be accompanied by a showing of interest indicating that the petitioner has the support of not less than thirty percent of the employees in the bargaining unit which the petitioner claims to be appropriate. The showing of interest must be timely filed under the same standards applicable to the petition, and must consist of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed appropriate. Such authorization cards shall not be valid unless signed and dated during the ninety-day period preceding the filing of the petition or the filing of such evidence with the agency, whichever is later.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-054 (Order 88-02), § 391-25-110, filed 5/31/88. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 81-02-034 (Order 81-01), § 391-25-110, filed 1/6/81.]

WAC 391-25-140 Notice to employees. The employer shall post a notice to employees, in the form specified by the commission, advising of the existence of proceedings under this chapter. The agency shall furnish the employer with copies of such notice, and the employer shall post them in conspicuous places on its premises where notices to affected employees are usually posted.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-054 (Order 88-02), § 391-25-140, filed 5/31/88.]

WAC 391-25-190 Intervention--By organization other than incumbent. An organization not covered by WAC 391-25-170 may, by motion, intervene in proceedings under this chapter and, upon granting of its motion for intervention, shall be entitled to participate in the proceedings and have its name listed as a choice on the ballot in any election. The motion for intervention shall be supported by a showing of interest indicating that the intervenor has the support of not less than ten percent of the employees in the bargaining unit which the petitioner claims to be appropriate or of not less than thirty percent of the employees in whatever different bargaining unit the intervenor claims to be appropriate. The showing of interest must consist of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed appropriate. Such authorization cards shall not be valid unless signed and dated during the ninety-day period preceding the filing

of the motion for intervention or the filing of such evidence with the agency, whichever is later. The showing of interest shall be made confidentially to the agency at or before the time the motion for intervention is made: *Provided, however,* That a motion for intervention may be granted conditionally subject to the subsequent furnishing of a showing of interest under such conditions as the agency may impose to avoid undue delay of the proceedings. No motion for intervention shall be considered if made after the close of the hearing on the petition or more than seven days after the filing and posting of an election agreement or cross-check agreement.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-054 (Order 88-02), § 391-25-190, filed 5/31/88. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 81-02-034 (Order 81-01), § 391-25-190, filed 1/6/81.]

WAC 391-25-290 Notice of hearing. After a petition has been filed, if it appears to the executive director that there is reasonable cause to believe that a question concerning representation exists, there shall be issued and served on the employer and on all organizations listed in the petition and on any organization having theretofore intervened, a notice of hearing before a hearing officer at a time and place fixed therein. Any such notice of hearing may be amended or withdrawn before the close of the hearing.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-054 (Order 88-02), § 391-25-290, filed 5/31/88. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-046 (Order 80-5), § 391-25-290, filed 9/30/80, effective 11/1/80.]

WAC 391-25-390 Proceedings before the executive director. The executive director may proceed forthwith upon the record, after submission of briefs or after hearing, as may be appropriate. The executive director shall determine whether a question concerning representation exists, and shall issue a direction of election, dismiss the petition or make other disposition of the matter. Unless otherwise provided in a direction of election, the cut-off date for eligibility to vote in an election shall be the date of issuance of the direction of election. Where the executive director determines that employee eligibility issues exist, the executive director may delegate authority to the hearing officer to decide those issues. Such actions shall be subject to review by the commission only as follows:

(1) Except for rulings as to whether the employer is subject to the jurisdiction of the commission, a direction of election and any accompanying rulings shall not be subject to review by the commission except upon objections timely filed under WAC 391-25-590.

(2) An order of dismissal shall be subject to review by the commission on its own motion or at the request of any party made within twenty days following the date of the order. Briefs or written arguments shall be submitted as provided in WAC 391-25-650. Unless the matter is transferred to the commission for review, an order of dismissal issued by the executive director shall have the same force and effect as if issued by the commission.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-054 (Order 88-02), § 391-25-390, filed 5/31/88. Statutory Authority: RCW 34.04.022, 41.58.050, 41.56.090, 41.59.110 and 28B.52.080. 85-19-059 (Resolution No. 85-01), § 391-25-390, filed 9/16/85. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-046 (Order 80-5), § 391-25-390, filed 9/30/80, effective 11/1/80.]

WAC 391-25-470 Electioneering. (1) Employers and organizations are prohibited from making election speeches on the employer's time to massed assemblies of employees:

(a) Within twenty-four hours before the scheduled time for the opening of the polls for an election conducted under "in person" voting procedures; or

(b) Within the period beginning with the issuance of ballots to employees for an election conducted under "mail ballot" voting procedures and the tally of ballots.

(2) There shall be no electioneering at or about the polling place during the hours of voting.

Violations of this rule shall be grounds for setting aside an election upon objections properly filed.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-054 (Order 88-02), § 391-25-470, filed 5/31/88. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-046 (Order 80-5), § 391-25-470, filed 9/30/80, effective 11/1/80.]

Chapter 391-35 WAC

UNIT CLARIFICATION CASE RULES

WAC

391-35-020 Petition—Time for filing.

WAC 391-35-020 Petition—Time for filing. (1) Disputes concerning status as a "confidential employee" may be filed at any time.

(2) Except as provided in subsection (1) of this section, where there is a valid written and signed collective bargaining agreement in effect, a petition for clarification of the covered bargaining unit will be considered timely only if:

(a) The petitioner can demonstrate, by specific evidence, substantial changed circumstances during the term of the collective bargaining agreement which warrant a modification of the bargaining unit by inclusion or exclusion of a position or class; or

(b) The petitioner can demonstrate that, although it signed the current collective bargaining agreement covering the position or class at issue in the unit clarification proceedings, (i) it put the other party on notice during negotiations that it would contest the inclusion or exclusion of the position or class via the unit clarification procedure, and (ii) it filed the petition for clarification of the existing bargaining unit prior to signing the current collective bargaining agreement.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-061 (Order 88-03), § 391-35-020, filed 5/31/88.]

Chapter 391-45 WAC

UNFAIR LABOR PRACTICE CASE RULES

WAC

391-45-013 Repealed.
391-45-260 Settlement conference.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

391-45-013 Special provision—Academic employees. [Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-048 (Order 80-7), § 391-45-013, filed 9/30/80, effective 11/1/80.] Repealed by 88-12-056 (Order 88-05), filed 5/31/88. Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110.

WAC 391-45-013 Repealed. See Disposition Table at beginning of this chapter.

WAC 391-45-260 Settlement conference. Prior to hearing, the parties may be requested to participate in a settlement conference conducted by a member of the commission staff other than the assigned examiner. During the course of a settlement conference, the parties will be encouraged, on factual and legal grounds including precedent on the particular subject, to resolve the unfair labor practice dispute. Participation in the settlement conference is voluntary, and the refusal of a party to participate shall not prejudice the nonparticipating party in any manner.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-056 (Order 88-05), § 391-45-260, filed 5/31/88.]

Chapter 391-55 WAC

IMPASSE RESOLUTION RULES

WAC

391-55-002 Sequence and numbering of rules—Special provisions.
391-55-033 Repealed.
391-55-071 Special provision—State patrol personnel.
391-55-400 State patrol personnel—Fact finding.
391-55-410 State patrol personnel—Selection of fact finder.
391-55-415 State patrol personnel—Conduct of fact finding proceedings.
391-55-420 State patrol personnel—Submission of proposals for fact finding.
391-55-425 State patrol personnel—Fact finding hearing.
391-55-430 State patrol personnel—Order of proceedings and evidence.
391-55-435 State patrol personnel—Fact finding in the absence of a party.
391-55-440 State patrol personnel—Closing of fact finding hearings.
391-55-445 State patrol personnel—Findings of fact and recommendations.
391-55-450 State patrol personnel—Responsibility of parties after fact finding.
391-55-455 State patrol personnel—Expenses of fact finding.
391-55-505 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

391-55-033 Special provision—Academic employees. [Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-049 (Order 80-8), §

391-55-033, filed 9/30/80, effective 11/1/80.] Repealed by 88-12-055 (Order 88-08), filed 5/31/88. Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110.

391-55-505 Marine employees—Referral for mediation. [Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-049 (Order 80-8), § 391-55-505, filed 9/30/80, effective 11/1/80.] Repealed by 88-12-055 (Order 88-08), filed 5/31/88. Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110.

WAC 391-55-002 Sequence and numbering of rules—Special provisions. This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. Special provisions required for conformity with a particular statute are set forth in separate rules numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW, port employees (Employment relations—Collective bargaining and arbitration), are set forth in WAC sections numbered one digit greater than the general rule on that subject matter and in subchapters of rules as follows:

(a) Special provisions relating to interest arbitration for uniformed personnel within the meaning of RCW 41.56.030(7) are set forth beginning with WAC 391-55-200; and

(b) Special provisions relating to fact finding for state patrol personnel within the meaning of RCW 41.56.020 are set forth beginning with WAC 391-55-400.

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter and in a subchapter of rules beginning with WAC 391-55-300.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-055 (Order 88-08), § 391-55-002, filed 5/31/88. Statutory Authority: RCW 34.04.022, 41.58.050, 41.56.090, 41.59.110 and 28B.52.080. 83-24-035 (Order 83-05), § 391-55-002, filed 12/1/83, effective 1/1/84. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-049 (Order 80-8), § 391-55-002, filed 9/30/80, effective 11/1/80.]

WAC 391-55-033 Repealed. See Disposition Table at beginning of this chapter.

WAC 391-55-071 Special provision—State patrol personnel. In the case of mediation involving state patrol personnel as defined in RCW 41.56.020, the mediator shall not consider wage or wage-related matters.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-055 (Order 88-08), § 391-55-071, filed 5/31/88.]

WAC 391-55-400 State patrol personnel—Fact finding. (1) If a dispute involving state patrol personnel as defined in RCW 41.56.020 is not resolved after a reasonable period of mediation, either party, upon written notice to the other party, to the mediator, and to the commission, may request that unresolved matters be submitted to a fact finder for recommendations.

(2) In the event that the executive director determines that the parties remain at impasse after a reasonable period of negotiation and mediation, and after consultation with the assigned mediator, the executive director shall initiate fact finding proceedings.

(3) The fact finder may only consider those issues that are certified by the executive director for fact finding proceedings.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-055 (Order 88-08), § 391-55-400, filed 5/31/88. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-049 (Order 80-8), § 391-55-400, filed 9/30/80, effective 11/1/80.]

WAC 391-55-410 State patrol personnel—Selection of fact finder. Upon the filing of a timely request for fact finding, the executive director shall furnish the parties a list of five members of the dispute resolution panel from which the parties will be invited to exercise their right under RCW 41.56.475. Within seven days following receipt of the list, the parties shall meet to attempt to select a fact finder. If the parties agree on a fact finder, they shall obtain a commitment to serve and shall notify the executive director of the identity of the fact finder so selected. If the parties are unable to agree on a fact finder, they shall notify the executive director, who shall designate a fact finder from the dispute resolution panel. The parties are not entitled to influence the designation of a fact finder and shall not, either in writing or by other communication, attempt to indicate any preference for or against any person as the fact finder to be appointed by the commission.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-055 (Order 88-08), § 391-55-410, filed 5/31/88. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-049 (Order 80-8), § 391-55-410, filed 9/30/80, effective 11/1/80.]

WAC 391-55-415 State patrol personnel—Conduct of fact finding proceedings. Proceedings shall be conducted as provided in WAC 391-55-400 through 391-55-455. The fact finder shall interpret and apply these rules insofar as they relate to the powers and duties of the fact finder. Any party who proceeds with fact finding after knowledge that any provision or requirement of these rules has not been complied with and who fails to state its objection thereto in writing, shall be deemed to have waived its right to object.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-055 (Order 88-08), § 391-55-415, filed 5/31/88. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-049 (Order 80-8), § 391-55-415, filed 9/30/80, effective 11/1/80.]

WAC 391-55-420 State patrol personnel—Submission of proposals for fact finding. At least seven days before the date of the hearing, each party shall submit to the fact finder and to the other party written proposals on all of the issues it intends to submit to fact finding.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-055 (Order 88-08), § 391-55-420, filed 5/31/88.]

Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-049 (Order 80-8), § 391-55-420, filed 9/30/80, effective 11/1/80.]

WAC 391-55-425 State patrol personnel—Fact finding hearing. The fact finder shall establish a date, time, and place for a hearing. The fact finding hearing shall be open to the public unless otherwise agreed by the parties. For good cause shown, the fact finder may adjourn the hearing upon the request of a party or upon his or her own initiative. The parties may waive oral hearing by written agreement.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-055 (Order 88-08), § 391-55-425, filed 5/31/88. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-049 (Order 80-8), § 391-55-425, filed 9/30/80, effective 11/1/80.]

WAC 391-55-430 State patrol personnel—Order of proceedings and evidence. The order of presentation at the hearing shall be as agreed by the parties or as determined by the fact finder. The fact finder shall be the judge of the relevancy of the evidence. All evidence shall be taken in the presence of all parties, unless a party is absent in default or has waived its right to be present. Each documentary exhibit shall be filed with the fact finder and copies shall be provided to the other parties. The exhibits shall be retained by the fact finder until an agreement has been signed, after which they may be disposed of as agreed by the parties or as ordered by the fact finder.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-055 (Order 88-08), § 391-55-430, filed 5/31/88. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-049 (Order 80-8), § 391-55-430, filed 9/30/80, effective 11/1/80.]

WAC 391-55-435 State patrol personnel—Fact finding in the absence of a party. The fact finder may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain an adjournment. Fact finders shall treat any subject on which one party has taken a position that it is not a mandatory subject for bargaining in accordance with this rule. Findings of fact and recommendations shall not be made solely on the default of a party, and the fact finder shall require the participating party to submit such evidence as may be required for making of the findings of fact and recommendations.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-055 (Order 88-08), § 391-55-435, filed 5/31/88. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-049 (Order 80-8), § 391-55-435, filed 9/30/80, effective 11/1/80.]

WAC 391-55-440 State patrol personnel—Closing of fact finding hearings. The fact finder shall declare the hearing closed after the parties have completed presenting their testimony and/or exhibits and filing of briefs within agreed time limits.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-055 (Order 88-08), § 391-55-440, filed 5/31/88.

Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-049 (Order 80-8), § 391-55-440, filed 9/30/80, effective 11/1/80.]

WAC 391-55-445 State patrol personnel—Findings of fact and recommendations. The findings of fact and recommendations of the fact finder shall not be subject to review by the commission. Fact finders shall rule only on the reasonability of the proposals advanced in the context of the whole of the negotiations between the parties and shall not rule on whether or not a subject or proposal in dispute is a mandatory subject for collective bargaining.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-055 (Order 88-08), § 391-55-445, filed 5/31/88. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-049 (Order 80-8), § 391-55-445, filed 9/30/80, effective 11/1/80.]

WAC 391-55-450 State patrol personnel—Responsibility of parties after fact finding. Not more than seven days after the findings and recommendations have been issued, the parties shall notify the commission and each other whether they accept the recommendations of the fact finder. If the recommendations of the fact finder are rejected by one or both parties and their further efforts do not result in an agreement, either party may request mediation pursuant to chapter 41.58 RCW and, upon the concurrence of the other party, the executive director shall assign a mediator.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-055 (Order 88-08), § 391-55-450, filed 5/31/88. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-049 (Order 80-8), § 391-55-450, filed 9/30/80, effective 11/1/80.]

WAC 391-55-455 State patrol personnel—Expenses of fact finding. Each party shall pay the expenses of presenting its own case. The expenses of witnesses shall be paid by the party producing them. The fees and traveling expenses of a fact finder shall be paid by the parties equally.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-055 (Order 88-08), § 391-55-455, filed 5/31/88. Statutory Authority: RCW 34.04.022, 41.58.050, 41.56.090, 41.59.110 and 28B.52.080. 83-24-035 (Order 83-05), § 391-55-455, filed 12/1/83, effective 1/1/84. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-049 (Order 80-8), § 391-55-455, filed 9/30/80, effective 11/1/80.]

WAC 391-55-505 Repealed. See Disposition Table at beginning of this chapter.

Chapter 391-65 WAC

GRIEVANCE ARBITRATION RULES

WAC

391-65-050	Grievance arbitration—Contents of request.
391-65-074	Repealed.
391-65-094	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 391-65-074 Special provisions—Marine employees. [Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-050 (Order 80-9), § 391-65-074, filed 9/30/80, effective 11/1/80.] Repealed by 88-12-057 (Order 88-09), filed 5/31/88. Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110.
- 391-65-094 Special provision—Marine employees. [Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-050 (Order 80-9), § 391-65-094, filed 9/30/80, effective 11/1/80.] Repealed by 88-12-057 (Order 88-09), filed 5/31/88. Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110.

WAC 391-65-050 Grievance arbitration—Contents of request. Each request for appointment of a grievance arbitrator shall contain:

- (1) The name, address and telephone number of the employer and the name, address and telephone number of the employer's principal representative for the purposes of collective bargaining.
- (2) The name, address and telephone number of the exclusive representative and the name, address and telephone number of its principal representative.
- (3) Identification of the request as: (a) A request for appointment of a member of the agency staff as arbitrator; or (b) a request for the submission of a list of names from the dispute resolution panel created by WAC 391-55-110.
- (4) A description of the grievances or issues to be submitted to arbitration and the number of employees affected thereby.
- (5) The agreement of the requesting party, or the parties jointly, that there will be no strike or lockout on any matter submitted to arbitration.
- (6) The agreement of the requesting party, or the parties jointly, that the arbitration award be final and binding upon the parties.
- (7) The signature(s) and, if any, title(s) of the representative(s) of the requesting party (parties).

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-057 (Order 88-09), § 391-65-050, filed 5/31/88. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-050 (Order 80-9), § 391-65-050, filed 9/30/80, effective 11/1/80.]

WAC 391-65-074 Repealed. See Disposition Table at beginning of this chapter.

WAC 391-65-094 Repealed. See Disposition Table at beginning of this chapter.

Chapter 391-95 WAC

UNION SECURITY DISPUTE RULES

WAC

- 391-95-010 Union security—Obligation of exclusive bargaining representative.
- 391-95-030 Union security—Assertion of right of nonassociation.
- 391-95-230 Hearings—Nature and scope.

WAC 391-95-010 Union security—Obligation of exclusive bargaining representative. An exclusive bargaining representative which desires to enforce a union security provision contained in a collective bargaining agreement negotiated under the provisions of chapter 28B.52, 41.56, or 41.59 RCW shall provide each affected employee with a copy of the collective bargaining agreement containing the union security provision and shall specifically advise each employee of his or her obligation under that agreement, including informing the employee of the amount owed, the method used to compute that amount, when such payments are to be made, and the effects of a failure to pay.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-058 (Order 88-10), § 391-95-010, filed 5/31/88. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-051 (Order 80-10), § 391-95-010, filed 9/30/80, effective 11/1/80.]

WAC 391-95-030 Union security—Assertion of right of nonassociation. An employee who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall notify the exclusive bargaining representative, in writing, of the claim of a right of nonassociation and shall, at the same time, provide the exclusive bargaining representative with the name(s) and address(es) of one or more nonreligious charitable organizations to which the employee is prepared to make alternative payments in lieu of the payments required by the union security provision.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-058 (Order 88-10), § 391-95-030, filed 5/31/88. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-051 (Order 80-10), § 391-95-030, filed 9/30/80, effective 11/1/80.]

WAC 391-95-230 Hearings—Nature and scope. Hearings shall be public and shall be limited to matters concerning the determination of the eligibility of the employee to make alternative payments and the designation of an organization to receive such alternative payments. The employee has the burden to make a factual showing, through testimony of witnesses and/or documentary evidence, of the legitimacy of his or her beliefs, as follows:

(1) In cases where the claim of a right of nonassociation is based on the teachings of a church or religious body, the claimant employee must demonstrate:

- (a) His or her bona fide religious objection to union membership; and
- (b) That the objection is based on a bona fide religious teaching of a church or religious body; and
- (c) That the claimant employee is a member of such church or religious body.

(2) In cases where the claim of a right of nonassociation is based on personally held religious beliefs, the claimant employee must demonstrate:

- (a) His or her bona fide religious objection to union membership; and
- (b) That the religious nature of the objection is genuine and in good faith.

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-058 (Order 88-10), § 391-95-230, filed 5/31/88. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-051 (Order 80-10), § 391-95-230, filed 9/30/80, effective 11/1/80.]

Title 392 WAC

PUBLIC INSTRUCTION, SUPERINTENDENT OF

Chapters

- 392-100 General definitions and rules of construction.
- 392-101 Superintendent of public instruction--Administrative practices and procedures.
- 392-103 Superintendent of public instruction--Conflict of interest.
- 392-120 Finance--University of Washington transition school and early entrance program allocations.
- 392-121 Finance--General apportionment.
- 392-122 Finance--Categorical apportionment.
- 392-123 Finance--School district budgeting.
- 392-126 Finance--Salary-compensation lid compliance.
- 392-127 Finance--Administrative salary and insurance benefits compliance.
- 392-129 Finance--Emergency school closure.
- 392-130 Finance--Self-funded plans for employee benefits.
- 392-137 Finance--Nonresident attendance.
- 392-139 Finance--Maintenance and operation levies.
- 392-140 Finance--Special allocations, instructions, and requirements.
- 392-162 Special service program--Learning assistance.
- 392-164 Special services program--Chapter 1 Migrant of the Education Consolidation and Improvement Act of 1981, financial assistance to state educational agencies.
- 392-165 Special service programs--Chapter 2 of the Education Consolidation and Improvement Act of 1981, financial assistance to local school districts.
- 392-166 Special services program--Student retention and retrieval program.
- 392-168 Special service programs--Citizen complaint procedure for certain categorical federal programs.
- 392-171 Special education programs--Education for all handicapped children.
- 392-185 Certified educational clinics--Distribution of state funds.
- 392-195 School personnel--In-service training program.
- 392-196 School personnel--Teacher assistance program.

- 392-202 School personnel--Excellence in education awards.
- 392-310 Grant program--Schools for the twenty-first century.
- 392-315 Grant program--Project even start.

Chapter 392-100 WAC

GENERAL DEFINITIONS AND RULES OF CONSTRUCTION

WAC

- 392-100-050 Agency abbreviations.
- 392-100-060 Other abbreviations.

WAC 392-100-050 Agency abbreviations. As used in Title 392 WAC, the abbreviation:

- (1) "SPI" means the superintendent of public instruction;
- (2) "SBE" means the state board of education;
- (3) "ESD" means an educational service district;
- (4) "DSHS" means the department of social and health services.

[Statutory Authority: RCW 28A.03.030. 87-10-012 (Order 87-4), § 392-100-050, filed 4/28/87.]

WAC 392-100-060 Other abbreviations. As used in Title 392 WAC, the abbreviation:

- (1) "FTE" means full-time equivalent;
- (2) "RAP" means remediation assistance program.

[Statutory Authority: RCW 28A.03.030. 87-10-012 (Order 87-4), § 392-100-060, filed 4/28/87.]

Chapter 392-101 WAC

SUPERINTENDENT OF PUBLIC INSTRUCTION-- ADMINISTRATIVE PRACTICES AND PROCEDURES

WAC

- 392-101-010 Conduct of administrative hearings.

WAC 392-101-010 Conduct of administrative hearings. The superintendent of public instruction hereby assigns the following administrative hearings to the office of administrative hearings and hereby delegates to the administrative law judge conducting any such hearing the authority to render the final decision by the superintendent of public instruction:

- (1) Nonresident transfer appeals pursuant to WAC 392-137-055(2).
- (2) Special education hearings pursuant to WAC 392-171-531.
- (3) Equal educational opportunity complaints pursuant to WAC 392-190-075.
- (4) Professional certification appeals pursuant to WAC 180-75-030.

[Statutory Authority: RCW 28A.03.500. 87-10-013 (Order 87-5), § 392-101-010, filed 4/28/87.]