

Chapter 132K-112 WAC

QUALIFICATIONS AND PERSONNEL SELECTION POLICY—ELECTION RULES

WAC

132K-112-011	Employment of more than one member of a family.
132K-112-100	Purpose—Elections and recognition.
132K-112-105	Definitions.
132K-112-110	Request for election—Canvass of faculty employees by independent and neutral person or association.
132K-112-115	Notice of election—Organization to be included on ballot—Time for filing.
132K-112-120	Contents of notice of election—Designation of chief election officer—Duties.
132K-112-125	Lists of faculty employees—Posting of lists.
132K-112-130	Election inspectors—Duties—Right to challenge voter—Improper conduct.
132K-112-135	Ballots.
132K-112-140	Record of vote—Signature—Challenge.
132K-112-145	Incorrectly marked ballot.
132K-112-150	Privacy for voter—Equipment.
132K-112-155	Folding ballot—Ballot box.
132K-112-160	Challenged ballot—Procedure.
132K-112-165	Employees present entitled to vote—Sealing ballot box—Unused ballots.
132K-112-170	Election inspectors duties after voting has terminated.
132K-112-175	Disposition of challenged ballots—Tally sheets—Investigation by chief election officer.
132K-112-180	Counting of ballots—Procedure—Certification of results of election—Retention of ballots—Signed voting lists.
132K-112-185	Electioneering within the polls forbidden.
132K-112-190	Contest of election—Time for filing objections—Investigation of objections.
132K-112-195	Persons eligible to vote.
132K-112-2001	Election determined by majority of valid votes cast calculated on a weighted basis—Run-off election.
132K-112-205	Inclusion of those holding administrative appointments except chief executive officer.
132K-112-210	Time lapse for new election.
132K-112-215	Certification of academic employees' representative.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132K-112-010	Guidelines for selecting faculty and administrative personnel. [Order 16, § 132K-112-010, filed 5/11/73; Order 9, § 132K-112-010, filed 9/14/72.] Repealed by 84-01-051 (Order 46), filed 12/15/83. Statutory Authority: RCW 28B.50.140.
132K-112-015	Personnel selection practices governing professional personnel. [Statutory Authority: RCW 28B.50.140 and 28B.50.850 through 28B.50.870. 78-12-014 (Order 38), § 132K-112-015, filed 11/13/78; Order 33, § 132K-112-015, filed 12/23/76; Order 9, § 132K-112-015, filed 9/14/72.] Repealed by 84-01-051 (Order 46), filed 12/15/83. Statutory Authority: RCW 28B.50.140.
132K-112-020	General standards of qualifications for Community College District No. 11 personnel. [Order 9, § 132K-112-020, filed 9/14/72.] Repealed by 84-01-051 (Order 46), filed 12/15/83. Statutory Authority: RCW 28B.50.140.
132K-112-025	Additional qualifications in areas of specialization. [Order 9, § 132K-112-025, filed 9/14/72.] Repealed by 84-01-051 (Order 46), filed 12/15/83. Statutory Authority: RCW 28B.50.140.
132K-112-200	Reduction in force. [Order 35, § 132K-112-200, filed 12/23/76; Order 21, § 132K-112-200, filed 12/14/73.] Repealed by 81-10-022 (Order 42), filed 4/28/81. Statutory Authority: RCW 28B.50.140.

WAC 132K-112-011 Employment of more than one member of a family. The appointment of more than one member of a family in the same division or department as a

(12/15/83)

permanent employee in the classified staff service requires special justification in terms of personnel requirements and the unusual qualifications of the individual. Such appointment must have the prior approval of the director and is subject to periodic review. Two persons who are related by blood ties or by marriage may not be appointed to positions where one might exert any influence or produce any consequence upon the employment of the other. In general, people who are so related may not be employed in the same division or department of the college.

[Order 12, § 132K-112-011, filed 1/8/73.]

WAC 132K-112-100 Purpose—Elections and recognition. The board of trustees of Community College District No. 11 proposes the adoption of policies for the administration of chapter 28B.52 RCW which has as its purpose the strengthening of methods of communication between faculty employees and the community college district by which they are employed. Therefore, the board of trustees of Community College District No. 11 adopts reasonable rules and regulations for the administration of employer-employee relations under this chapter.

[Order 23, § 132K-112-100, filed 9/9/74.]

WAC 132K-112-105 Definitions. (1) "Employee organization" means any organization which includes as members the faculty employees of Community College District No. 11 and which has as one of its purposes the representation of the employees in their employment relations with the community college district.

(2) "Faculty employee" means any teacher, counselor, librarian, or division head, who is employed by Community College District No. 11, with the exception of those holding administrative appointments as defined by the board of trustees unless included as specified in WAC 132K-112-205 and those employed exclusively in community service courses.

(3) "Full-time appointment" shall be one in which the academic employee receives a full-time contract and works a full-time load for three complete quarters in one academic year. (Fall, winter, spring.)

(4) "Part-time appointment" shall mean employment in a quarterly teaching agreement with specifically assigned duties usually based on contact hours for the two previous, consecutive quarters, exclusive of summer quarter. (For purpose of determining proportion of vote, a full-time load shall consist of a maximum of 25 contact hours, weekly, for high school completion; college level, 20 contact hours; learning labs such as mathematics, reading/individual progress center, counselors and librarians, 40 contact hours. In addition, all full-time faculty are required to have office hours as per-

scribed by the administration, committee assignments, advising and other assigned duties.)

[Order 23, § 132K-112-105, filed 9/9/74.]

WAC 132K-112-110 Request for election—Canvass of faculty employees by independent and neutral person or association. Any organization, which includes as members faculty employees of Community College District No. 11, desiring to be recognized as the majority organization representing such employees pursuant to chapter 28B.52 RCW shall request in writing to the board of trustees of Community College District No. 11 that an election be held to determine whether a majority of such employees desire to designate it as their representative for the purposes of the act. Upon the receipt of such a request the board of trustees of Community College District No. 11 will request some independent and neutral person or association to determine whether thirty percent or more, calculated on a weighted basis as specified in WAC 132K-112-125 and 132K-112-200, of the faculty employees of Community College District No. 11 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 membership, signed authorizations to represent, or other reliable probative evidence.

[Order 23, § 132K-112-110, filed 9/9/74.]

WAC 132K-112-115 Notice of election—Organization to be included on ballot—Time for filing. If the independent and neutral person or association determines that thirty percent or more of the faculty employees of Community College District No. 11 have indicated that they desire to be represented by that organization for such purposes, the board of trustees of Community College District No. 11 will publish a notice that it will hold an election as soon as practical, during the regular academic year, to determine whether the faculty employees of Community College District No. 11 desire the requesting organization or any other organization to represent them for the purposes of chapter 28B.52 RCW. Any other organization of faculty 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. 11, file with the board of trustees a request in writing that its name be included on the ballot in the election to be held. 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. Such organization must accompany the request for placement on the ballot by written proof of at least ten percent representation, calculated on a weighted basis as specified in WAC 132K-112-125 and 132K-112-200 of the faculty employees within the district.

[Order 23, § 132K-112-115, filed 9/9/74.]

WAC 132K-112-120 Contents of notice of election—Designation of chief election officer—Duties. The notice published by the board of trustees of Community College District No. 11 pursuant to WAC 132K-112-115 shall state

[Ch. 132K-112 WAC—p. 2]

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 these rules.

[Order 23, § 132K-112-120, filed 9/9/74.]

WAC 132K-112-125 Lists of faculty employees—Posting of lists. In any election conducted pursuant to these rules, three lists of faculty employees eligible to vote shall be prepared by the board of trustees for each voting place. List one shall contain the name of faculty employees on full-time appointments and names of academic employees on part-time appointments whose assignment is equal to or greater than a full load. Faculty employees on list one shall be given the election ballot titled full vote as described in WAC 132K-112-135. List two shall contain the names of faculty employees on part-time appointments whose assignments are one-half of a full load or greater but less than full time. Faculty employees on list two shall be given the election ballot titled two-thirds vote as described in WAC 132K-112-135. List three shall contain the names of faculty employees on part-time appointments whose assignments are less than one-half of a full load. Faculty employees on list three shall be given the election ballot titled one-third vote as described in WAC 132K-112-135. Such lists shall be posted at least twenty-four hours before the election. Such lists shall be for informational purposes and shall not be conclusive as to the right of a faculty employee to vote in the election.

[Order 23, § 132K-112-125, filed 9/9/74.]

WAC 132K-112-130 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 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 these rules. Any faculty employee may challenge his/her placement on the election lists by so indicating to the appropriate election inspector at the time of voting, and upon such challenge the ballot of that person shall be treated as provided in these rules. 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.

[Order 23, § 132K-112-130, filed 9/9/74.]

WAC 132K-112-135 Ballots. The ballots used in any election held pursuant to this part shall be in the following forms listing all eligible organizations along with a means of indicating no organization.

(1) Full Vote Ballot

FULL VOTE

To select for representation purposes pursuant to chapter 28B.52 RCW a majority organization to represent faculty employees of Community College District No. 11.

Vote for one

- ORGANIZATION X
- ORGANIZATION Y
- NO ORGANIZATION

Do not sign your name or put other identifying marks on this ballot. Should you incorrectly mark your ballot you may obtain a new ballot by returning the incorrectly marked ballot to the election inspector.

(2) Two-Thirds Vote Ballot

TWO-THIRDS VOTE

To select for representation purposes pursuant to chapter 28B.52 RCW a majority organization to represent faculty employees of Community College District No. 11.

Vote for one

- ORGANIZATION X
- ORGANIZATION Y
- NO ORGANIZATION

Do not sign your name or put other identifying marks on this ballot. Should you incorrectly mark your ballot you may obtain a new ballot by returning the incorrectly marked ballot to the election inspector.

(3) One-Third Vote Ballot

ONE-THIRD VOTE

To select for representation purposes pursuant to chapter 28B.52 RCW a majority organization to represent faculty employees of Community College District No. 11.

Vote for one

- ORGANIZATION X
- ORGANIZATION Y
- NO ORGANIZATION

Do not sign your name or put other identifying marks on this ballot. Should you incorrectly mark your ballot you may obtain a new ballot by returning the incorrectly marked ballot to the election inspector.

(4) The above ballots will be color coded by being prepared on the following paper: Blue for full vote, green for two-thirds vote, and white for one-third vote.

[Order 23, § 132K-112-135, filed 9/9/74.]

WAC 132K-112-140 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 lists for the polling place at which he votes. Each faculty 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 of his right to cast a ballot in an election.

[Order 23, § 132K-112-140, filed 9/9/74.]

WAC 132K-112-145 Incorrectly marked ballot. Any voter who incorrectly marks his ballot may obtain a new ballot by returning the incorrectly marked ballot to the chief

(12/15/83)

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.

[Order 23, § 132K-112-145, filed 9/9/74.]

WAC 132K-112-150 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.

[Order 23, § 132K-112-150, filed 9/9/74.]

WAC 132K-112-155 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 box provided at the designated voting place.

[Order 23, § 132K-112-155, filed 9/9/74.]

WAC 132K-112-160 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.

[Order 23, § 132K-112-160, filed 9/9/74.]

WAC 132K-112-165 Employees present entitled to vote—Sealing ballot box—Unused ballots. At the time for closing the polls, all 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.

[Order 23, § 132K-112-165, filed 9/9/74.]

WAC 132K-112-170 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 faculty employees, (2) all unused ballots, (3) all challenged ballots, and (4) the sealed ballot box containing all ballots cast.

[Order 23, § 132K-112-170, filed 9/9/74.]

WAC 132K-112-175 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 eligibility challenge was properly made, that ballot shall be excluded from the count. If he concludes that the listing error

challenge was properly made, that ballot shall be counted in the appropriate category. Otherwise, such ballots shall be counted as cast.

[Order 23, § 132K-112-175, filed 9/9/74.]

WAC 132K-112-180 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 the 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 outline in writing 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 faculty employees shall be kept by the chief election officer or some person designated by him for one year after the election.

[Order 23, § 132K-112-180, filed 9/9/74.]

WAC 132K-112-185 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.

[Order 23, § 132K-112-185, filed 9/9/74.]

WAC 132K-112-190 Contest of election—Time for filing objections—Investigation of objections. Any organization, the name of which appears on the ballot, or any faculty employee may within five days after the certification of the results of an election under the provisions of this part, file objections to the conduct of the election with the chief election officer designated by the board of trustees pursuant to WAC 132K-112-120 of this part. 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. If the objection(s) of the organization or employee(s) concerns the placement of faculty employee(s) on appropriate voting lists, the board shall review the report

[Ch. 132K-112 WAC—p. 4]

of the election officer and shall order a new election only if they disagree with the resolution implemented by the election officer and find that the method used may have improperly affected the results of the election. 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.

[Order 23, § 132K-112-190, filed 9/9/74.]

WAC 132K-112-195 Persons eligible to vote. For the purposes of eligibility to vote, the term "faculty employee" means any full-time teacher, counselor, librarian, or division head, who is currently employed by Community College District No. 11 with the exception of those holding administrative appointments as defined by the board of trustees unless included as specified in WAC 132K-112-205. "Faculty employee" shall also mean any teacher, counselor, librarian, or division head who has been employed by the college less than fulltime for the previous two consecutive quarters, exclusive of summer quarters, except for those employed exclusively for community service courses.

[Order 23, § 132K-112-195, filed 9/9/74.]

WAC 132K-112-2001 Election determined by majority of valid votes cast calculated on a weighted basis—Run-off election. An organization of faculty employees which receives a majority of the valid votes cast, calculated on a weighted basis, in an election held in accordance with the rules of this part shall be recognized as representing the faculty employees of Community College District No. 11 pursuant to chapter 28B.52 RCW. If more than one organization of faculty employees has participated in an election and a majority of the valid votes cast, calculated on a weighted basis, 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 weighted number of valid votes cast in the election shall appear on the ballot.

[Order 23, § 132K-112-200 (codified as WAC 132K-112-2001), filed 9/9/74.]

WAC 132K-112-205 Inclusion of those holding administrative appointments except chief executive officer. Any three persons holding an administrative appointment as defined by the board of trustees of Community College District No. 11 desiring to be included in the faculty employee organization shall request in writing to the board of trustees of Community College District No. 11 that a two-stage election process be held to determine if a majority of those holding administrative appointments as defined by the board of trustees of Community College District No. 11, except the chief executive officer, desire to designate the faculty employee organization as their representative for the purpose of the act. Upon the receipt of such a request the board of trustees of Community College District No. 11 will request some independent and neutral person or association to determine whether thirty percent or more, calculated on a weighted basis as specified in WAC 132K-112-125 and 132K-112-200, of those holding administrative appointments have indicated they desire to be represented by the faculty employee organization for such purposes. The independent

and neutral person or association shall make such determination upon the basis of records of dues-paying membership, signed authorizations to represent, or other reliable and probative evidence.

If the independent and neutral person or association determines that thirty percent of those holding administrative appointments, as determined by the board of trustees of Community College District No. 11 have indicated that they desire to be represented by the faculty employee organization for such purposes, the board of trustees of Community College District No. 11 will publish notice of the election, and conduct the election as specified in WAC 132K-112-115, through 132K-112-200 of these rules.

If the majority of those holding administrative appointments, calculated on a weighted basis as specified in WAC 132K-112-125 and 132K-112-200, desire to be represented by the faculty employee organization, the board of trustees of Community College District No. 11 will publish notice of the election to determine if a majority of all members of the faculty employee organization favor the inclusion of those holding administrative appointments in their organization. The board of trustees of Community College District No. 11 shall conduct the election as specified in WAC 132K-112-115 through 132K-112-200 of these rules.

[Order 23, § 132K-112-205, filed 9/9/74.]

WAC 132K-112-210 Time lapse for new election. If no organization of faculty employees is selected as representative in an election held pursuant to these rules, another election shall not be held until the lapse of one year from the date of the certification of the results of the earlier election. If an organization of faculty employees is selected as the recognized employee organization in an election held pursuant to these rules, another election shall not be held until the lapse of one year from the date of the certification of the results of the earlier election.

[Order 23, § 132K-112-210, filed 9/9/74.]

WAC 132K-112-215 Certification of academic employees' representative. The employee organization which receives the majority of all votes cast in any election held pursuant to WAC 132K-112-100 through 132K-112-215 shall be certified as the representative of all academic employees as of the expiration or nonrenewal, whichever is sooner, of any collective bargaining agreement between the district and a certified academic employees' representative. In the 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 132K-112-180.

[Order 23, § 132K-112-215, filed 9/9/74.]