

WAC 391-25-270 Interim certification—Supplemental proceedings.

Where the matters at issue in a proceeding under this chapter are limited to the eligibility of particular individuals or classifications for inclusion in the bargaining unit, the executive director or designee may expedite the proceedings while reserving the eligibility issues for subsequent determination.

(1) The agency will conduct an election or card check, as appropriate.

(a) The individuals whose eligibility is disputed are permitted to vote by challenged ballot in an election.

(b) The individuals whose eligibility is disputed will be listed as challenged in a card check, and any authorizations signed by those individuals must not be tallied.

(2) After a tally is issued under WAC 391-25-550:

(a) If the number of challenges would affect the outcome, they will be determined under subsection (3) of this section before the issuance of a certification.

(b) If the number of challenges does not affect the outcome, an interim certification will be issued and the case will remain open for supplemental proceedings under subsection (3) of this section. The employer and the exclusive bargaining representative have the duty to bargain upon issuance of an interim certification under this subsection.

(c) If a certification of "no representation" is appropriate regardless of the reserved eligibility issues, a final certification will be issued and no supplemental proceedings may be conducted.

(3) All eligibility issues reserved for subsequent determination under this section must be resolved, without regard to whether the individuals cast challenged ballots.

[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, § 391-25-270, filed 11/16/22, effective 1/1/23. Statutory Authority: RCW 28B.52.080, 41.56.090, 41.59.110, 41.58.050, 28B.52.030, 41.56.060, 41.56.070, 41.56.080, 41.59.070, 41.59.080 and 41.59.090. WSR 01-14-009, § 391-25-270, filed 6/22/01, effective 8/1/01. Statutory Authority: RCW 28B.52.080, 41.56.090, 41.59.110, 41.58.050, 28B.52.030, 41.56.060, 41.56.070, 41.59.070 and 41.59.080. WSR 00-14-048, § 391-25-270, filed 6/30/00, effective 8/1/00; WSR 98-14-112, § 391-25-270, filed 7/1/98, effective 8/1/98. Statutory Authority: RCW 41.58.050, 28B.52.080, 41.56.090, 41.59.110, 41.56.060, 41.56.070, 41.59.070 and 41.59.080. WSR 90-06-072, § 391-25-270, filed 3/7/90, effective 4/7/90. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. WSR 80-14-046 (Order 80-5), § 391-25-270, filed 9/30/80, effective 11/1/80.]