

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

FROM: Community College District VIII
(Name of Institution)

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

The enclosed Permanent rules
Emergency rules , being order No. 6

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

Rules for selection of a bargaining agent. Rules for election of "employee organization" to represent academic employees at Bellevue Community College pursuant to Chapter 28B.52.RCW, including rules for conducting and certifying the election, for selection of the election supervisory, and defining "academic employee" for purposes of eligibility to vote in the election. The rules proposed are substantially identical to those adopted by Community College District VI on April 18, 1972.

(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 institution at _____ on _____ and are herewith 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 Bellevue Community College on 10/3/72 and are herewith filed in the office 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 _____ 3rd day of _____ October 1972.

STATE OF WASH. N
FILED
OCT 5 1972
CODE REVISER'S OFFICE
DOCKET # _____ FILE # _____

Community College District VIII
(INSTITUTION)
Merle E. Landerholm
By Merle E. Landerholm
Secretary, Board of Trustees
Title

Effective 9/7/71

[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.

STATE OF WASHINGTON
COMMUNITY COLLEGE DISTRICT VIII
BOARD OF TRUSTEES

RESOLUTION NO. 27

Administrative Order No. 6

A RESOLUTION Relating to adoption of emergency rules for selection of a bargaining agent.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT VIII, STATE OF WASHINGTON.

WAC 132H.112.003 through WAC 132H.112.063. RULES FOR SELECTION OF A BARGAINING AGENT.

The Board of Trustees hereby finds that adoption of Rules For Selection of a Bargaining Agent is necessary for the preservation of the public health and safety and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. Therefore, the Board hereby adopts as emergency rules of this institution the Rules For Selection of a Bargaining Agent, WAC 132H.112.003 through WAC 132H.112.063, to be effective for ninety days.

APPROVED AND ADOPTED October 3, 1972.

BOARD OF TRUSTEES

(Absent)

Roy S. Peterson, Chairman
Board of Trustees

(Absent)

Robert F. Hayman, Vice-Chairman
Board of Trustees

C. W. Duffy, Trustee

Bob T. Gardner, Trustee
Acting Chairman

Harriet S. Jaquette, Trustee

ATTEST:

Merle E. Landerholm
Secretary, Board of Trustees

new WAC 132H.112.003 PURPOSE. Pursuant to Chapter 196, Laws of 1971, 1st Ex. Sess., the Board of Trustees of Community College District VIII 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 VIII and the Board of Trustees of Community College District VIII.

new WAC 132H.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 VIII desiring to be recognized as the majority organization representing such employees pursuant to Chapter 196, Laws of 1971, 1st Ex. Sess., shall request in writing of the Board of Trustees of Community College District VIII 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 VIII 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 VIII 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.

new WAC 132H.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 VIII have indicated that they desire to be represented by that organization for such purposes, the Board of Trustees of Community College District VIII will publish a notice that it will hold an election as soon as practical to determine whether the academic employees of Community College District VIII desire the requesting organization or any other organization to represent them for the purposes of Chapter 196, Laws of 1971, 1st Ex. Sess. 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 VIII, 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 per cent representation of the academic employees of the District. The request by this organization shall be submitted to the same neutral person or association designated pursuant to WAC 132H.112.006 who shall rule according to the criteria stated therein as to each request received pursuant to this section. 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. Each academic employee may be included in only one organization for purposes of fulfilling the required percentage of employees for inclusion in the election. If an employee's name is submitted by more than one organization, the neutral person shall determine which organization has the present support of that employee. If evidence of such present support is unavailable the person shall be excluded from all organizations for purposes of determining whether the necessary percentage has been met.

new WAC 132H.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 VIII, pursuant to WAC 132H.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 132H.112.003 through WAC 132H.112.063.

new WAC 132H.112.015 LIST OF ACADEMIC EMPLOYEES - POSTING OF LIST. In any election conducted pursuant to WAC 132H.112.003 through WAC 132H.112.063, 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 rights of an academic employee to vote in the election.

new WAC 132H.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 an inspector present at the College District Office for the counting of the ballots cast. Such inspectors must refrain from election-eering 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 132H.112.024 and WAC 132H.112.036 through WAC 132H.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.

new WAC 132H.112.021 BALLOTS. The ballots used in any election held pursuant to WAC 132H.112.003 through WAC 132H.112.063 shall be in the following form:

To select for Representation Purposes to Chapter 196, Laws of 1971, 1st Ex. Sess., a Majority Organization to Represent Academic Employees of Community College District VIII.

| | |
|---------------------------|--------------|
| | Vote for one |
| ORGANIZATION X | _____ |
| ORGANIZATION Y | _____ |
| NO ORGANIZATION (neither) | _____ |

new WAC 132H.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.

new WAC 132H.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.

new WAC 132H.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.

new WAC 132H.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.

new WAC 132H.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 places at which it was challenged, and the envelope shall be sealed and initialed by the election inspectors.

new WAC 132H.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.

new WAC 132H.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.

new WAC 132H.112.045 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.

new WAC 132H.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.

new WAC 132H.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.

new WAC 132H.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 132H.112.048, file objections to the conduct of the election with the chief election officer designated by the Board of Trustees pursuant to WAC 132H.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.

new WAC 132H.112.057 PERSONS ELIGIBLE TO VOTE - DEFINITION OF "ACADEMIC EMPLOYEE." All academic employees of Community College District VIII shall be eligible to vote pursuant to WAC 132H.112.003 through WAC 132H.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 other 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, or department head, division head, or administrator, who is employed by Community College District VIII, with the exception of the chief administrative officer of the District.

new WAC 132H.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 132H.112.003 through WAC 132H.112.063 shall be recognized as representing the academic employees of Community College District VIII pursuant to Chapter 196, Laws of 1971, 1st Ex. Sess. If more than one organization of academic election and a majority of the valid votes cast have 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.

new WAC 132H.112.063 TIME LAPSE FOR NEW ELECTION. If no organization of academic 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 academic employees is selected as bargaining 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.