

Chapter 132T-16 WAC

NEGOTIATIONS BY CERTIFICATED PERSONNEL

WAC

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WAC 132T-16-003 Purpose. Pursuant to chapter 143, Laws of 1965, the board of trustees of Community College District No. 20 establishes the following rules to strengthen methods of administering employer-employee relations through the establishment of orderly methods of communication between certificated employees of Community College District No. 20 and the board of trustees of Community College District No. 20.

[Order 1, § 132T-16-003, filed 4/22/68.]

Reviser's note: Chapter 143, Laws of 1965, first codified as chapter 28.72 RCW was reenacted as chapter 28A.72 RCW by chapter 223, Laws of 1969 ex. sess., and was subsequently repealed by chapter 288, Laws of 1975 1st ex. sess.

WAC 132T-16-006 Request for election—Canvass of certificated employees by independent and neutral person or association. Any organization of certificated employees of Community College District No. 20 desiring to be recognized as the majority organization representing such employees pursuant to chapter 143, Laws of 1965, RCW 28.72.010 — 28.72.090, shall request in writing of the board of trustees of Community College District No. 20 that an election be held to determine whether a majority of such employees desire to designate it as their representative for the purpose of the act. Upon the receipt of such a request the board of trustees of the Community College District No. 20 will request some independent and neutral person or associa-

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tion to determine whether thirty percent or more of the certificated employees of Community College District No. 20 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.

[Order 1, § 132T-16-006, filed 4/22/68.]

Reviser's note: Chapter 143, Laws of 1965, first codified as chapter 28.72 RCW was reenacted as chapter 28A.72 RCW by chapter 223, Laws of 1969 ex. sess., and was subsequently repealed by chapter 288, Laws of 1975 1st ex. sess.

WAC 132T-16-009 Notice of election—Organizations to be included on ballot—Time for filing. If the independent and neutral person or association determines that thirty percent or more of the certificated employees of Community College District No. 20 have indicated that they desire to be represented by that organization for such purposes, the board of trustees of Community College District No. 20 will publish a notice that it will hold an election to determine whether the certificated employees of Community College District No. 20 desire the requesting organization or any other organization to represent them for the purposes of chapter 143, Laws of 1965, RCW 28.72.010 — 28.72.090. Any other organization of certificated employees desiring to be designated as the majority organization representing such employees shall, within seven days after the publication of such notice by the board of trustees of Community College District No. 20, 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.

[Order 1, § 132T-16-009, filed 4/22/68.]

Reviser's note: Chapter 143, Laws of 1965, first codified as chapter 28.72 RCW was reenacted as chapter 28A.72 RCW by chapter 223, Laws of 1969 ex. sess., and was subsequently repealed by chapter 288, Laws of 1975 1st ex. sess.

WAC 132T-16-012 Contents of notice of election—Designation of chief election officer—Duties. The notice published by the board of trustees of Community College District No. 20, pursuant to WAC 132T-16-030, 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 these rules.

[Order 1, § 132T-16-012, filed 4/22/68.]

WAC 132T-16-015 List of certificated employees—Posting of list. In any election conducted pursuant to these rules, lists of certificated employees eligible to vote shall be prepared by the board of trustees listing certificated 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 a certificated employee to vote in the election.

[Order 1, § 132T-16-015, part, filed 4/22/68.]

WAC 132T-16-016 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. 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 1, § 132T-16-016, part, filed 4/22/68.]

WAC 132T-16-018 Ballots. The ballots used in any election held pursuant to this part shall be in the following form:

To select for representation purposes pursuant to chapter 143, Laws of 1965, a majority organization to represent certificated employees of Community College District No. 20.

	Vote for one
ORGANIZATION X	<input type="checkbox"/>
ORGANIZATION Y	<input type="checkbox"/>
NO ORGANIZATION	<input type="checkbox"/>

Do not sign your name or put other identifying marks on this ballot.

[Order 1, § 132T-16-018, filed 4/22/68.]

WAC 132T-16-021 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 certificated 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.

[Order 1, § 132T-16-021, filed 4/22/68.]

WAC 132T-16-024 Incorrectly marked ballot. Any voter who incorrectly marks his ballot may obtain a new bal-

lot 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.

[Order 1, § 132T-16-024, filed 4/22/68.]

WAC 132T-16-027 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 1, § 132T-16-027, filed 4/22/68.]

WAC 132T-16-030 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.

[Order 1, § 132T-16-030, filed 4/22/68.]

WAC 132T-16-033 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 1, § 132T-16-033, filed 4/22/68.]

WAC 132T-16-036 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 1, § 132T-16-036, filed 4/22/68.]

WAC 132T-16-039 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 certificated employees, (2) all unused ballots, (3) all challenged ballots, and (4) the sealed ballot box containing all ballots cast.

[Order 1, § 132T-16-039, filed 4/22/68.]

WAC 132T-16-042 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.

[Order 1, § 132T-16-042, filed 4/22/68.]

WAC 132T-16-045 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 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 certificated employees shall be kept by the chief election officer or some person designated by him for one year after the election.

[Order 1, § 132T-16-045, part, filed 4/22/68.]

WAC 132T-16-046 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 any organization whether on the ballot or otherwise, nor shall any person in that room engage in any other form of electioneering.

[Order 1, § 132T-16-045 (codified as WAC 132T-16-046), part, filed 4/22/68.]

WAC 132T-16-048 Contest of election—Time for filing objections—Investigation of objections. Any organization, the name of which appears on the ballot, or any certificated 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 132T-16-012 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. 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.

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[Order 1, § 132T-16-048, filed 4/22/68.]

WAC 132T-16-051 Persons eligible to vote—Definition "certificated employee." An employee of Community College District No. 20 will be determined eligible to vote in the election as designated in RCW 28.72.020, (section 2, chapter 143, Laws of 1965). For the purposes of this part, the term "certificated employee" means any person currently employed by Community College District No. 20 and holding a valid Washington state teaching license or certificate regularly issued by the state office of public instruction or state community college board.

[Order 1, § 132T-16-051, filed 4/22/68.]

Reviser's note: Chapter 143, Laws of 1965, first codified as chapter 28.72 RCW was reenacted as chapter 28A.72 RCW by chapter 223, Laws of 1969 ex. sess., and was subsequently repealed by chapter 288, Laws of 1975 1st ex. sess.

WAC 132T-16-054 Election determined by majority of valid votes cast—Run-off election. An organization of certificated employees which receives a majority of the valid votes cast in an election held in accordance with the rules of this part shall be recognized as representing the certificated employees of Community College District No. 20 pursuant to RCW 28.72.010 — 28.72.090. If more than one organization of certificated 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.

[Order 1, § 132T-16-054, part, filed 4/22/68.]

Reviser's note: Chapter 143, Laws of 1965, first codified as chapter 28.72 RCW was reenacted as chapter 28A.72 RCW by chapter 223, Laws of 1969 ex. sess., and was subsequently repealed by chapter 288, Laws of 1975 1st ex. sess.

WAC 132T-16-057 Time lapse for new election. If no organization of certificated 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 certificated 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.

[Order 1, § 132T-16-054 (codified as WAC 132T-16-057), part, filed 4/22/68.]