

WAC 391-25-250 Cross-check agreements. Where only one organization is seeking certification as the representative of unrepresented employees, and the employer and organization desire an expedited certification in lieu of a voluntary recognition, they may enter into a cross-check agreement.

(1) A cross-check agreement shall include:

(a) The name, address, and telephone number of the employer and the name, address, telephone number, fax number, and email address of its principal representative;

(b) The name, address, and telephone number of the organization and the name, address, telephone number, fax number, and email address of its principal representative;

(c) A description of the bargaining unit agreed to be appropriate, specifying inclusions and exclusions, and the number of employees in the unit;

(d) A statement by the parties that no other organization is known which claims to represent any of the employees in the bargaining unit; that the parties agree that a question concerning representation exists; that a hearing is waived; and that the agency is requested to conduct and certify the results of a cross-check of individually signed and dated authorization cards or letters submitted by the organization against the employment records of the employer;

(e) A list containing the names of the employees in the bargaining unit;

(f) The suggestions of the parties as to the arrangements for conducting the cross-check;

(g) The agreement of the parties to be bound by the results of the cross-check; and

(h) The names, signatures and, if any, titles of all parties or their representatives, and the date of the signatures.

(2) A cross-check agreement shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be posted by the employer in conspicuous places on the employer's premises where notices to affected employees are usually posted. The cross-check agreement shall remain posted for at least seven days after it is filed with the agency.

(3) Upon the filing of a cross-check agreement, the executive director or designee shall determine whether the proposed bargaining unit is, on its face, an appropriate bargaining unit under the applicable statute, and whether other conditions precedent to a cross-check are met. The agency shall proceed with the cross-check of records, if appropriate, or shall notify the parties of the reasons for rejection of the cross-check agreement. The cross-check may be conducted at any time following the execution of a cross-check agreement; but no certification shall be issued until seven days have elapsed following the filing and posting of the cross-check agreement. Where a motion for intervention is timely filed and granted, no certification shall be issued on the basis of the cross-check.

[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, § 391-25-250, 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, § 391-25-250, filed 6/30/00, effective 8/1/00; WSR 98-14-112, § 391-25-250, filed 7/1/98, effective 8/1/98; WSR 96-07-105, § 391-25-250, filed 3/20/96, effective 4/20/96. Statutory

Authority: RCW 41.58.050, 28B.52.080, 41.56.090, 41.59.110, 41.56.060 and 41.56.070. WSR 90-06-072, § 391-25-250, 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), § 391-25-250, filed 9/30/80, effective 11/1/80.]