

May 19, 2010

RULES OF PRACTICE AND PROCEDURE – CHAPTER 391-08 WAC

WAC 391-08-001 Application and Scope of chapter 391-08 WAC Amendment Needed

Chapter 6, Laws 2010 places employees of certain symphony orchestras under the jurisdiction of the Public Employment Relations Commission. PERC's rules for practice and procedure need to include reference to this new group of employees, and, where necessary, special rules must be adopted to conform agency practice to the new law. .

1 **WAC 391-08-001 Application and scope of chapter 391-08 WAC.**

2 Chapter 391-08 WAC has been added to the Washington Administrative Code by the public
3 employment relations commission pursuant to the authority of section 12, chapter 288, Laws of
4 1975 1st ex. sess. (RCW 41.59.110); sections 7, 14 and 20, chapter 296, Laws of 1975 1st ex.
5 sess. (RCW 41.58.050, 28B.52.080 and 41.56.090, respectively); and section 232, chapter 354,
6 Laws of 2002 (RCW 41.06.340)(~~(, and)~~); section 15, chapter 356, Laws of 2002 (RCW
7 41.76.060); and section 7, chapter 6, Laws 2010, to promulgate comprehensive and uniform rules
8 for practice and procedure before the agency. This chapter sets forth general rules applicable to
9 all types of proceedings before the agency, and should be read in conjunction with the provisions
10 of:

11 (1) Chapter 10-08 WAC, which contains the model rules of procedure promulgated by
12 the chief administrative law judge to regulate adjudicative proceedings under chapters 391-25,
13 391-35, 391-45 and 391-95 WAC, except:

14

15 (a) WAC 10-08-035, which is replaced by detailed requirements in WAC 391-25-070,
16 391-25-090, 391-35-050, 391-45-050, and 391-95-110;

17 (b) WAC 10-08-050, which relates to office of administrative hearings procedures
18 inapplicable to proceedings before the public employment relations commission;

19 (c) WAC 10-08-083, which is replaced by detailed requirements in WAC 391-08-010;

20 (d) WAC 10-08-110, which is replaced by detailed requirements in WAC 391-08-120;

21 (e) WAC 10-08-120, which is replaced by detailed requirements in WAC 391-08-040,
22 391-08-300 and 391-08-310;

23 (f) WAC 10-08-140, which is limited by WAC 391-08-040, 391-08-300 and 391-08-310;

24 (g) WAC 10-08-150, which is limited by WAC 391-08-315;

25 (h) WAC 10-08-211, which is replaced by WAC 391-08-640 and detailed requirements
26 in WAC 391-25-390, 391-25-391, 391-25-590, 391-25-630, 391-25-650, 391-25-660, 391-25-
27 670, 391-35-210, 391-35-250, 391-45-350, 391-45-390, 391-95-270, and 391-95-290;

28 (i) WAC 10-08-230, which is replaced by detailed requirements in WAC 391-25-150,
29 391-25-220, 391-25-230, 391-25-250, 391-25-270, 391-35-070, 391-35-080, 391-45-070, 391-
30 45-090, 391-45-260, and 391-95-170; and

31 (j) WAC 10-08-250, 10-08-251, and 10-08-252 which are replaced by detailed
32 requirements in WAC 391-08-520.

33 (2) Chapter 391-25 WAC, which regulates representation proceedings.

34 (3) Chapter 391-35 WAC, which regulates unit clarification proceedings and contains
35 some well-established unit determination standards in a subchapter of rules beginning at WAC
36 391-35-300.

37 (4) Chapter 391-45 WAC, which regulates unfair labor practice proceedings.

38 (5) Chapter 391-55 WAC, which regulates the resolution of impasses in collective
39 bargaining.

40 (6) Chapter 391-65 WAC, which regulates grievance arbitration and grievance mediation
41 proceedings.

42 (7) Chapter 391-95 WAC, which regulates union security nonassociation proceedings.

43 In the event of a conflict between a general rule in this chapter and a special rule in
44 another chapter applicable to a particular proceeding, the special rule shall govern.

WAC 391-08-800 through 880

RCW 42.56.040 requires state agencies to publish in the Washington Administrative Code the procedure for requesting, inspecting and copying public records. In 2006, the Attorney General published Model Rules for Public Records to provide agencies a starting point for crafting public records rules. In order to achieve compliance with RCW 42.56.040, Staff recommends the following amendments and rules.

WAC 391-08-800 Agency Records – Public Access Amendatory Section

45 **WAC 391-08-800 Agency Description ((records)) – Public Records Officer ((access)) –**
46 **Contact Information.**

47 ((The agency shall maintain for public inspection:))

48 (1) ~~An index to all proceedings processed by the agency; Any person wishing to request~~
49 ~~access to public records of the agency, or seeking assistance in making such a request should~~
50 ~~contact the public records officer of the agency:~~

51

52 _____ David I. Gedrose
53 _____ Public Records Officer, Public Employment Relations Commission
54 _____ P.O. Box 40919
55 _____ (360) 570-7322
56 _____ David.Gedrose@perc.wa.gov

57

58 _____ Information is also available at the agency’s web site at www.perc.wa.gov.

59

60 (2) ~~A docket for each proceeding processed by the agency, showing the actions taken and~~
61 ~~the final resolution of each such proceeding; The public records officer will oversee compliance~~
62 ~~with the act but another staff member may process the request. Therefore, these rules refer to the~~
63 ~~public records officer "or designee." The public records officer or designee will provide the~~
64 ~~"fullest assistance" to requestors; ensure that public records are protected from damage or~~
65 ~~disorganization; and prevent fulfilling public records requests from causing excessive~~
66 ~~interference with essential functions of the agency.~~

67 (3) ~~A schedule of hearing dates assigned in particular cases; and~~

68 (4) ~~The files for all proceedings, including all documents filed with the agency in the particular~~
69 ~~case, except materials held in confidence as provided in WAC 391-08-810.~~

1 WAC 391-08-830 Agency Records – Availability – Organization -- Requests

2 (1) Hours for inspection of records. Public records are available for inspection and
3 copying during normal business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m.,
4 excluding legal holidays. Records must be inspected at the Olympia office of the agency.

5 (2) Organization of records. The agency will maintain its records in a reasonably
6 organized manner. The agency will take reasonable actions to protect records from damage and
7 disorganization. A requestor shall not take agency records from its offices without the
8 permission of the public records officer or his or her designee. A variety of records is available
9 on the agency web site at www.perc.wa.gov. Requestors are encouraged to view the documents
10 available on the web site prior to submitting a records request.

11 (3) Making a request for public records:

12 (a) Any person wishing to inspect or copy public records of the agency should make the
13 request by letter, fax, or e-mail addressed to the public records officer and including the
14 following information:

15 Name of requestor;

16 Address of requestor;

17 Other contact information, including telephone number and any e-mail address;

18 Identification of the public records adequate for the public records officer or designee to
19 locate the records; and

20 The date and time of day of the request.

21 (b) If the requestor wishes to have copies of the records made instead of simply
22 inspecting them, he or she should so indicate and make arrangements to pay for copies of the
23 records or make a deposit. Pursuant to WAC 391-08-860 standard photocopies will be provided
24 at 15 cents per page.

25 (c) The public records officer or designee may accept requests for public records that
26 contain the above information by telephone or in person. If the public records officer or
27 designee accepts such a request, he or she will confirm receipt of the information and the
28 substance of the request in writing.

WAC 391-08-840 Processing of Public Records Requests**NEW SECTION****1 WAC 391-08-840 Processing of Public Records Requests**

2 (1) Within five business days of receipt of the request, the public records officer will do
3 one or more of the following:

4 (a) Make the records available for inspection or copying;

5 (b) If copies are requested and payment of a deposit for the copies, if any, is made or
6 terms of payment are agreed upon, send the copies to the requestor;

7 (c) Provide a reasonable estimate of when records will be available; or

8 (d) If the request is unclear or does not sufficiently identify the requested records, request
9 clarification from the requestor. Such clarification may be requested and provided by telephone.

10 The public records officer or designee may revise the estimate of when records will be available;

11 or

12 (e) Deny the request.

13 (2) Protecting rights of others. In the event that the requested records contain information
14 that may affect rights of others and may be exempt from disclosure, the public records officer
15 may, prior to providing the records, give notice to such others whose rights may be affected by
16 the disclosure. Such notice should be given so as to make it possible for those other persons to
17 contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from
18 a court to prevent or limit the disclosure. The notice to the affected persons will include a copy
19 of the request.

20 (3) Records exempt from disclosure. Some records are exempt from disclosure, in whole
21 or in part. If the agency believes that a record is exempt from disclosure and should be withheld,
22 the public records officer will state the specific exemption and provide a brief explanation of
23 why the record or a portion of the record is being withheld. If only a portion of a record is
24 exempt from disclosure, but the remainder is not exempt, the public records officer will redact
25 the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions
26 of the record are being redacted.

27 (4) Inspection of records.

28 (a) Consistent with other demands, the agency shall promptly provide space to inspect
29 public records. No member of the public may remove a document from the viewing area or

30 disassemble or alter any document. The requestor shall indicate which documents he or she
31 wishes the agency to copy.

32 (b) The requestor must claim or review the assembled records within thirty days of the
33 agency's notification to him or her that the records are available for inspection or copying. The
34 agency will notify the requestor in writing of this requirement and inform the requestor that he or
35 she should contact the agency to make arrangements to claim or review the records. If the
36 requestor or a representative of the requestor fails to claim or review the records within the
37 thirty-day period or make other arrangements, the agency may close the request and refile the
38 assembled records. Other public records requests can be processed ahead of a subsequent
39 request by the same person for the same or almost identical records, which can be processed as a
40 new request.

41 (5) Providing copies of records. After inspection is complete, the public records officer
42 or designee shall make the requested copies or arrange for copying.

43 (6) Providing records in installments. When the request is for a large number of records,
44 the public records officer or designee will provide access for inspection and copying in
45 installments, if he or she reasonably determines that it would be practical to provide the records
46 in that manner. If, within thirty days, the requestor fails to inspect the entire set of records or one
47 or more of the installments, the public records officer or designee may stop searching for the
48 remaining records and close the request.

49 (7) Completion of inspection. When the inspection of the requested records is complete
50 and all requested copies are provided, the public records officer or designee will indicate that the
51 agency has completed a diligent search for the requested records and made any located
52 nonexempt records available for inspection.

53 (8) Closing withdrawn or abandoned request. When the requestor either withdraws the
54 request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final
55 payment for the requested copies, the public records officer will close the request and indicate to
56 the requestor that the agency has closed the request.

57 (9) Later discovered documents. If, after the agency has informed the requestor that it
58 has provided all available records, the agency becomes aware of additional responsive
59 documents existing at the time of the request, it will promptly inform the requestor of the
60 additional documents and provide them on an expedited basis.

1 WAC 391-08-850 – Processing of Public Records -- Electronic Records

2 (1) The process for requesting electronic public records is the same as for requesting
3 paper public records.

4 (2) When a requestor requests electronic records in an electronic format, the public
5 records officer will provide the nonexempt records or portions of such records that are
6 reasonably locatable in an electronic format that is used by the agency and is generally
7 commercially available, or in a format that is reasonably translatable from the format in which
8 the agency keeps the record.

9 (3) Customized access to data bases. With the consent of the requestor, the agency may
10 provide customized access under RCW 43.105.280 if the record is not reasonably locatable or
11 not reasonably translatable into the format requested. The agency may charge a fee consistent
12 with RCW 43.105.280 for such customized access.

RESERVED

1 WAC 391-08-870 Costs for Providing Public Records

2 (1) There is no fee for inspecting public records. A requestor may obtain standard black
3 and white photocopies for 15 cents per page and color copies for 25 cents per page.

4 (2) Before beginning to make the copies, the public records officer or designee may
5 require a deposit of up to ten percent of the estimated costs of copying all the records selected by
6 the requestor. The public records officer or designee may also require the payment of the
7 remainder of the copying costs before providing all the records, or the payment of the costs of
8 copying an installment before providing that installment. The agency will not charge sales tax
9 when it makes copies of public records.

10 (3) The cost of electronic copies of records shall be 1 dollar for information on a CD-
11 ROM. The cost of scanning existing agency paper or other nonelectronic records is 25 cents per

12 page. There will be no charge for e-mailing electronic records to a requestor, unless another cost
13 applies, such as a scanning fee.

14 (4) The agency may also charge actual costs of mailing, including the cost of the
15 shipping container.

16 (5) Payment may be made by cash, check, or money order to the “Public Employment
17 Relations Commission”.

WAC 391-08-880 Review of Denial of Public Records **NEW SECTION**

1 WAC 391-08-880 Review of Denial of Public Records

2 (1) Any person who objects to the initial denial or partial denial of a records request may
3 petition in writing to the public records officer for a review of that decision. The petition shall
4 include a copy of or reasonably identify the written statement by the public records officer or
5 designee denying the request.

6 (2) The public records officer shall promptly provide the petition and any other relevant
7 information to the Executive Director who will immediately consider the petition and either
8 affirm or reverse the denial within two business days following the agency's receipt of the
9 petition, or within such other time as agency and the requestor mutually agree to.

10 (3) If the agency denies a requestor access to public records because it claims the record
11 is exempt in whole or in part from disclosure, the requestor may request the attorney general's
12 office to review the matter under the procedure set forth in WAC 44-06-160.

13 (4) Judicial review. Any person may obtain court review of denials of public records
14 requests at the conclusion of two business days after the initial denial of such request regardless
15 of any internal administrative appeal.

REPRESENTATION CASES - CHAPTER 391-25 WAC**WAC 391-25-002 Sequence and numbering of rules – Special provisions Amendment Needed**

Chapter 6, Laws 2010 places employees of certain symphony orchestras under the jurisdiction of the Public Employment Relations Commission. It is staff's intent that existing representation case practices continue unless chapter 6, laws 2010 specifically requires otherwise.

1 WAC 391-25-002 Sequence and numbering of rules — Special provisions.

2 This chapter of the Washington Administrative Code is designed to regulate proceedings under
3 a number of different chapters of the Revised Code of Washington. General rules are set forth in
4 sections with numbers divisible by ten. Where a deviation from the general rule is required for
5 conformity with a particular statute, that special provision is set forth in a separate rule numbered
6 as follows:

7 (1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective
8 Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sections
9 numbered one digit greater than the general rule on that subject matter.

10 (2) Special provisions relating to chapter 41.59 RCW (Educational Employment
11 Relations Act) are set forth in WAC sections numbered two digits greater than the general rule
12 on that subject matter.

13 (3) Special provisions relating to chapter 28B.52 RCW (Collective Bargaining --
14 Academic Personnel in Community Colleges) are set forth in WAC sections numbered three
15 digits greater than the general rule on that subject matter.

16 (4) Special provisions relating to RCW 41.06.340 and/or chapter 41.80 RCW (Personnel
17 System Reform Act) are set forth in WAC sections numbered six digits greater than the general
18 rule on that subject matter.

19 (5) Special provisions relating to chapter 41.76 RCW (faculty at public four-year
20 institutions of higher education) are set forth in WAC sections numbered seven digits greater
21 than the general rule on that subject matter.

22 (6) Special provisions relating to chapter 6, Laws 2010 (symphony orchestra employees)
23 and chapter 49.08 RCW (private sector and other employees) are set forth in WAC sections
24 numbered nine digits greater than the general rule on that subject matter.

Eric Nordlof of Public School Employees filed a rule making petition under RCW 34.05.330 to clarify that petitions filed under WAC 391-25-440 are not subject to the one-year certification bar. The Commission directed staff to commence the rule-making process to explore amending this rule. The first option is to adopt Nordlof’s proposed language. A second option is to adopt language drafted by staff, which is a variation on Nordlof’s proposal. A third option would be to not adopt any amendment at this time, and allow the Commission to clarify the matter through case law.

OPTION 1 – Nordlof’s Proposal

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2 At the December 2009 Rules Focus Group Meeting, it was unanimously decided that Mr.
3 Nordlof’s proposed language would not be considered.

OPTION 2 – Staff Proposal

If the Commission elects to clarify its rules that neither the certification bar nor the contract bar will preclude an election filed under WAC 391-25-440 from being filed at any time, staff recommends that the bulk of the changes be adopted in WAC 391-25-440 itself, with only a cross reference to that rule in WAC 391-25-030. For purposes of this document, the only amendment that will be discussed here is the cross-reference to WAC 391-25-440.

2nd Issue: Staff also proposes clarifying that a certification for interest arbitration also serves as a bar to a representation petition. Please see new language at (1)(d).

1 **WAC 391-25-030 Petition — Time for filing.**

2 (1) A "contract bar" exists while a valid collective bargaining agreement is in effect, so that a
3 petition involving any or all of the employees covered by the agreement will be timely only if it
4 is filed during the "window" period not more than ninety nor less than sixty days prior to the
5 stated expiration date of the collective bargaining agreement.

6 (a) To constitute a valid collective bargaining agreement for purposes of this subsection:

7 (i) The agreement must cover a bargaining unit that is appropriate under the terms of the
8 applicable statute;

9 (ii) The agreement must be in writing, and signed by the parties' representatives;

10 (iii) The agreement must contain a fixed expiration date not less than ninety days after it
11 was signed; and

12 (iv) The agreement will only operate as a bar for the first three years after its effective
13 date.

14 (b) An agreement to extend or replace a collective bargaining agreement shall not bar a
15 petition filed in the "window" period of the previous agreement.

16 (c) A "protected" period is in effect during the sixty days following a "window" period in
17 which no petition is filed, and a successor agreement negotiated by the employer and incumbent
18 exclusive bargaining representative during that period will bar a petition under this chapter. If the
19 filing and withdrawal or dismissal of a petition under this chapter intrudes upon the protected
20 period, the employer and incumbent exclusive bargaining representative shall be given a sixty-
21 day protected period commencing on the date the withdrawal or dismissal is final.

22 (d) A certification of issues for interest arbitration issued under WAC 391-55-200 serves
23 as a valid agreement under section (1)(a) of this rule.

24 (2) A "certification bar" exists where a certification has been issued by the agency, so that
25 a petition involving the same bargaining unit or any subdivision of that bargaining unit will only
26 be timely if it is filed:

27 (a) More than twelve months following the date of the certification of an exclusive
28 bargaining representative; or

29 (b) More than twelve months following the date of the latest election or cross-check in
30 which the employees failed to select an exclusive bargaining representative.

31 (3) Where neither a "contract bar" nor a "certification bar" is in effect under this section,
32 a petition may be filed at any time.

33 (4) Neither a certification bar nor a contract bar in an underlying existing bargaining unit
34 will preclude petitions filed under WAC 391-25-440 from being processed at any time subject to
35 the limitations stated in that rule.

WAC 391-25-051 Special Provision – Language Access Providers Amendment Needed

Laws of 2010 chapter 296 (SB 6726) extends collective bargaining rights to “language access providers. WAC 391-25-051, the special rule that waives certain election rules for similar groups, such as the individual providers and family child care providers, needs to be amended to include this group of employees.

1 **WAC 391-25-051 Special provision — Individual providers of home care under RCW**
2 **74.39A.270 and 74.39A.300 — Family child care providers under RCW 41.56.208 — Adult**

3 **family home providers under RCW 41.56.029 – Language Access Providers under chapter**
4 **296, Law of 2010.**

5 (1) This rule consolidates special rules applicable to:

6 (a) Individual providers under RCW 74.39A.270 and 74.39A.300, which extend the
7 coverage of chapter 41.56 RCW to "individual providers" defined as a person, including a
8 personal aide, who has contracted with the department of social and health services to provide
9 personal care or respite care services to functionally disabled persons under the medicaid
10 personal care, community options program entry system, chore services program, or respite care
11 program, or to provide respite care or residential services and support to persons with
12 developmental disabilities under chapter 71A.12 RCW, or to provide respite care as defined in
13 RCW 74.13.270.

14 (b) Family child care providers under RCW 41.56.028, which extends coverage of
15 chapter 41.56 RCW to "child care providers" defined as persons who:

16 (i) Provide regularly scheduled care for a child or children in the home of the provider or
17 in the home of the child or children for periods of less than twenty-four hours or, if necessary
18 due to the nature of the parent's work, for periods equal to or greater than twenty-four hours;

19 (ii) Receive child care subsidies; and

20 (iii) Are either licensed by the state under RCW 74.15.030 or are exempt from licensing
21 under chapter 74.15 RCW.

22 (c) Adult family home providers under RCW 41.56.029, which extends coverage of
23 chapter 41.56 RCW to "adult family home providers" who are persons defined as a provider as
24 defined in RCW 70.128.010 who receives payments from the medicaid and state-funded long-
25 term care programs.

26 (d) Language access providers under chapter 296, Laws of 2010, which extends coverage
27 of chapter 41.56 RCW to "language access providers" who are persons defined as "any
28 independent contractor who provides spoken language interpreter services for department of
29 social and health services appointments or medicaid enrollee appointments, or provides these
30 services on or after January 1, 2009, and before the June 10, 2010, whether paid by a broker,
31 language access agency, or the department [of social and health services]."

32 (2) The showing of interest requirement in WAC 391-25-110 is modified for the
33 bargaining unit affected by RCW 74.39A.270 and 74.39A.300, to require a ten percent showing
34 of interest for either a petitioner or an intervenor.

35 (3) The posting of notice requirement in WAC 391-25-140 is inapplicable to the
36 bargaining unit affected by RCW 74.39A.270, 74.39A.300, 41.56.028, ~~((and))~~ 41.56.029, and
37 chapter 296, Laws of 2010.

38 (4) A party wishing to participate as an intervenor in representation proceedings governed
39 by this rule must file a motion to intervene no later than ten days following receipt of the petition
40 for investigation of a question concerning representation.

41 (5) The description of bargaining unit requirement of WAC 391-25-190 is limited to a
42 single, statewide unit of:

43 (a) Individual providers under RCW 74.39A.270 and 74.39A.300; or

44 (b) Family child care providers under RCW 41.56.028; or

45 (c) Adult family home providers under RCW 41.56.029; or

46 (d) Language access providers under chapter 296, Laws of 2010.

47 (6) The description of bargaining unit requirement of WAC 391-25-210(2) is limited to a
48 single, statewide unit of:

49 (a) Individual providers under RCW 74.39A.270 and 74.39A.300; or

50 (b) Family child care providers under RCW 41.56.028; or

51 (c) Adult family home providers under RCW 41.56.029; or

52 (d) Language access providers under chapter 296, Laws of 2010.

53 (7) The provisions of WAC 391-25-210(3) relating to alternative units or mergers of units
54 are inapplicable to the bargaining unit affected by RCW 74.39A.270, 74.39A.300, 41.56.028,
55 ~~((and))~~ 41.56.029, and chapter 296, Laws of 2010.

56 (8) The posting requirement in WAC 391-25-220(2), relating to investigation statements,
57 is inapplicable to the bargaining unit affected by RCW 74.39A.270, 74.39A.300, 41.56.028,
58 ~~((and))~~ 41.56.029, and chapter 296, Laws of 2010.

59 (9) The posting requirement in WAC 391-25-230(2), relating to election agreements, is
60 inapplicable to the bargaining unit affected by RCW 74.39A.270, 74.39A.300, 41.56.028, ~~((and))~~
61 41.56.029, and chapter 296, Laws of 2010.

62 (10) The cross-check procedures in WAC 391-25-250, 391-25-391, and 391-25-410 are
63 inapplicable to the bargaining unit affected by RCW 74.39A.270, 74.39A.300, 41.56.028, ((and))
64 41.56.029, and chapter 296, Laws of 2010.

65 (11) The unit determination election procedures in WAC 391-25-420 are inapplicable to
66 the bargaining unit affected by RCW 74.39A.270, 74.39A.300, 41.56.028, ((and)) 41.56.029, and
67 chapter 296, Laws of 2010.

68 (12) The requirements of WAC 391-25-430, relating to posting of election notices on the
69 employer's premises, is inapplicable to the bargaining unit affected by RCW 74.39A.270,
70 74.39A.300, 41.56.028, ((and)) 41.56.029, and chapter 296, Laws of 2010.

71 (13) Any representation election for the bargaining unit affected by RCW 74.39A.270,
72 74.39A.300, 41.56.028, ((and)) 41.56.029, and chapter 296, Laws of 2010 shall be conducted by
73 mail ballot under WAC 391-25-470, with the following modifications:

74 (a) Together with the procedures for casting ballots, the notice supplied to providers may
75 describe the collective bargaining rights established by RCW 74.39A.270, 74.39A.300,
76 41.56.028, ((and)) 41.56.029, and chapter 296, Laws of 2010 and agreements reached by a
77 petitioning union and the employer concerning the election process;

78 (b) The notice and ballot materials supplied to providers shall be set forth in English and
79 any other language the agency deems reasonably necessary to conduct a fair election;

80 (c) The ballot materials supplied to providers shall include a card return-addressed to the
81 commission, by which providers eligible voters can individually request notice and ballot
82 materials in languages other than those received. Upon receipt of such a request card, the agency
83 shall promptly supply notice and ballot materials to the eligible voter in the requested language.

84 (d) At least twenty-one days shall be provided between the date on which ballot materials
85 are mailed to providers and the deadline for return of cast ballots to the commission.

86 (e) The executive director shall have discretion to vary tally arrangements and procedures
87 from those customarily used, because of the large size of the bargaining unit involved.

88 (f) The reference in WAC 391-25-140 through 391-25-470 shall be interpreted in light of
89 subsection (3) of this section.

90 (14) The procedure for on-site elections in WAC 391-25-490 is inapplicable to the
91 bargaining unit affected by RCW 74.39A.270, 74.39A.300, 41.56.028, ((and)) 41.56.029, chapter
92 296, Laws of 2010.

WAC 391-25-150 Amendment and Withdrawal

Amendment Proposed

Currently, a representation petition may be withdrawn at any time during the representation proceedings. Staff recommends that the rule be amended to preclude withdrawal after the polls are open in an on-site election or after the ballots have been deposited by agency staff in the U.S. Mail for mail-ballot elections.

1 **WAC 391-25-150 Amendment and withdrawal.**

2 A ((ny)) petition may be amended or withdrawn by the petitioner at any time prior to the
3 issuance of a notice of election, or under such conditions as the executive director or the
4 commission may impose.

WAC 391-25-229 Special Provision – Symphony Orchestra Employees

NEW SECTION

In order to ensure that Symphony Orchestra meets the jurisdictional standards set forth in section 1 chapter 6 Laws of 2010, agency staff will need certain financial information, regardless of a stipulation to jurisdiction. Staff recommends the following rule.

1 **WAC 391-25-229 Special Provision – Symphony orchestra employees**

2 In addition to the information required by WAC 391-25-220, an employer of symphony
3 orchestra employees who are seeking to be represented for the purposes of collective bargaining
4 must, upon request, provide the executive director with financial information that establishes the
5 agency’s jurisdiction over the employer.

WAC 391-25-299 Amendment and Withdrawal

Amendment Proposed

Currently, a representation petition may be withdrawn at any time up during the representation proceedings. Staff recommends that the rule be amended to preclude withdrawal after the polls are open in an on-site election, or after the ballots have been deposited by agency staff in the U.S. Mail for mail-ballot elections.

1 **WAC 391-25-299 Special provision — Private sector and other employees.**

2 Except for symphony orchestra employees as defined in section 1, chapter 6, Laws 2010,
3 ((F))the commission lacks authority to proceed in representation disputes under chapter 49.08
4 RCW absent the agreement of all parties. WAC 391-25-290 through 391-25-390 shall not be
5 applicable to proceedings under chapter 49.08 RCW, except for hearings and issues submitted by
6 stipulation of all parties to the proceeding.WAC 391-25-150 Amendment and withdrawal.

WAC 391-25-399 Special Provision – Symphony employees

Possible New Section

In addition to holding a secret ballot election, section 4, chapter 6, Laws 2010 permits this agency to determine an exclusive bargaining representative by conducting “a comparison of signatures on organization bargaining authorization cards.” If the Commission elects to extend the agency’s current cross-check rule for local government employees, WAC 391-25-391, to symphony orchestra employees, staff recommends the following new rule.

1 WAC 391-25-399 Special provision — Symphony orchestra employees.

2 WAC 391-25-391 and the practices and precedents applicable under chapter 41.56 RCW shall
3 also be applicable to symphony orchestra employees as defined in section 1, chapter 6, Laws
4 2010.

WAC 391-25-440 Election for Inclusion of Unrepresented Employees.

Amendment Needed

See comments included with WAC 391-25-030 above.

1 WAC 391-25-440 Election for inclusion of unrepresented employees

2 (1) Where only one employee organization seeks to add an employee or group of
3 previously unrepresented employees to an appropriate bargaining unit, which it already
4 represents, under this chapter and the relevant statute, the organization may petition for a self-
5 determination election to ascertain the employees' desire to be included in its existing bargaining
6 unit.

7 (2) In order to invoke the self-determination election procedures under this section, the
8 petitioning organization shall:

9 (a) Demonstrate that it has the support of at least thirty percent or more of the
10 unrepresented employees to be included in the appropriate existing unit;

11 (b) Affirmatively state on the petition filed under WAC 391-25-070 that it requests a self-
12 determination election to add the petitioned-for employees into an existing appropriate
13 bargaining unit;

14
15 (c) Provide an accurate description of the existing bargaining unit that the petitioning
16 organization seeks to merge the unrepresented employees into; and

17 (d) Demonstrate that the resulting bargaining unit is appropriate under the appropriate
18 statute.

19 (i) If the propriety of the proposed resulting unit is disputed, the executive director or his
20 or her designee shall make a determination following a hearing.

21 (ii) If the propriety of the proposed resulting unit is stipulated, the executive director or
22 his or her designee shall determine whether the proposed unit is, on its face, an appropriate unit
23 under the applicable statute.

24 (3) Any notice to employees required to be posted under WAC 391-25-140 shall
25 affirmatively indicate that the petitioning organization seeks to merge the petitioned-for
26 employees into an existing bargaining unit of employees represented by that organization
27 through a self-determination election.

28 (4) If the resulting bargaining unit is determined to be appropriate, the agency shall
29 conduct a self-determination election under this chapter for the petitioned-for employees to
30 ascertain whether they desire to become part of the existing unit.

31 (a) Only the petitioned-for employees are eligible to vote in a self-determination election.

32 (b) Cross-check procedures under WAC 391-25-391 and 391-25-396 are applicable to
33 this section.

34 (c) In such an election, if a majority of the eligible employees voting in the election vote
35 for inclusion, they are deemed to have indicated their desire both to become part of the existing
36 unit and to be represented by the petitioner. If a majority of voters vote against inclusion in the
37 existing unit, they are considered as indicating a desire to remain unrepresented.

38 (5)(a) Should another organization seek to intervene in a proceeding filed under this
39 section, it must demonstrate both:

40 (i) That it has support from at least thirty percent of the employees subject to the original
41 petition; and

42 (ii) That if the same group of employees were added to an appropriate unit that it already
43 represents under this chapter and the appropriate statute, the resulting unit would be an
44 appropriate unit.

45 (b) If either (a)(i) or (ii) of this subsection are not established, the request for intervention
46 will be denied, and the petition processed in accordance with this section.

47 (c) In the event the requirement of both (a)(i) and (ii) of this subsection are met, the
48 election shall be for representation by the petitioner as part of the larger unit proposed by the

49 petitioner, or representation by the intervener as part of the larger unit proposed by the
50 intervener, or no representation.

51 (6) In the event a petition for representation of the same employees sought to be added to
52 a larger unit by the petitioner under this section is filed pursuant to WAC 391-25-010 or 391-25-
53 012, along with the requisite thirty percent showing of interest, and the petitioned-for unit is
54 appropriate under the applicable statute, then the self-determination election petition filed under
55 this section shall be dismissed. If either of those requirements is not met, the petition filed
56 pursuant to WAC 391-25-010 or 391-25-012 will be dismissed and the original self-
57 determination election petition processed in accordance with this section.

58 (7) The existence of a valid collective bargaining agreement does not preclude the
59 processing of a petition filed under this rule.

60 (8) Petitions filed under this rule do not raise a question concerning representation for
61 the existing appropriate bargaining unit.

62 (a) The issuance of a certification for the existing appropriate bargaining within the
63 previous twelve months will not bar the filing and processing of a petition under this rule .

64 (b) The alteration of the composition of the existing appropriate bargaining unit as a
65 result of an amended certification issued under this rule does not affect the certification bar of the
66 existing unit; nor does it create a new certification bar as described in WAC 391-25-030(2).

WAC 391-25-450 Disclaimers.

Amendment Proposed

Currently, if a disclaimer is filed after the issuance of a notice of election, the organization filing the disclaimer shall not seek to be certified as the bargaining representative for a period of one year. Staff recommends that the rule be amended to preclude a disclaimer after the polls are open for an on-site election, or after the ballots have been deposited by agency staff in the U.S. Mail for mail-ballot elections.

1 WAC 391-25-450 Disclaimers.

2 Prior to the day the ballots are sent from the agency's office or the day the polls are open, ((A))
3 an organization may disclaim a bargaining unit and have its name removed from the ballot by
4 written notice filed and served as required by WAC 391-08-120. ((If a)) Any disclaimer ((is))
5 filed after the issuance of a notice of election ((, the organization filing the disclaimer)) shall not

6 ((seek to)) be ((certified in the bargaining unit for a period of at least one year)) accepted and the
 7 Executive Director shall issue a certification of election results. (conceptual only)

WAC 391-25-531 Special Provision – Public Employees

Amendment Proposed

WAC 391-25-530 generally governs representation elections, and states that where there are 3 or more choices on a ballot, elections shall be governed by a majority of those voting. WAC 391-25-531, which mimics RCW 41.56.070, states that where there are 3 or more choices on a ballot, elections shall be determined by a majority of those *eligible to vote in the election*. State employees have often been confused about whether this rule applies to them. Thus, staff makes the following proposal.

1 **391-25-531 Special Provision – Public Employees**

2 Where there are three or more choices on the ballot, representation elections for employees
 3 covered by chapter 41.56 RCW shall be decided by a majority of those eligible to vote in the
 4 election.

UNIT CLARIFICATION CASES – CHAPTER 391-35 WAC

WAC 391-35-002 Sequence and numbering of rules – Special provisions

Amendment Needed

Chapter 6, Laws 2010 places employees of certain symphony orchestras under the jurisdiction of the Public Employment Relations Commission. It is staff’s intent that existing unit clarification case practices continue unless chapter 6, laws 2010 specifically requires otherwise.

1 **WAC 391-35-002 Sequence and numbering of rules — Special provisions.**

2 This chapter of the Washington Administrative Code is designed to regulate proceedings under
 3 a number of different chapters of the Revised Code of Washington. General rules are set forth in
 4 sections with numbers divisible by ten. Where a deviation from the general rule is required for
 5 conformity with a particular statute, that special provision is set forth in a separate rule numbered
 6 as follows:

7 (1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective
 8 Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sections
 9 numbered one digit greater than the general rule on that subject matter.

10 (2) Special provisions relating to chapter 41.59 RCW (Educational Employment
11 Relations Act) are set forth in WAC sections numbered two digits greater than the general rule
12 on that subject matter.

13 (3) Special provisions relating to chapter 28B.52 RCW (Collective Bargaining --
14 Academic Personnel in Community Colleges) are set forth in WAC sections numbered three
15 digits greater than the general rule on that subject matter.

16 (4) Special provisions relating to RCW 41.06.340 and/or chapter 41.80 RCW (Personnel
17 System Reform Act) are set forth in WAC sections numbered six digits greater than the general
18 rule on that subject matter.

19 (5) Special provisions relating to chapter 41.76 RCW (faculty at public four-year
20 institutions of higher education) are set forth in WAC sections numbered seven digits greater
21 than the general rule on that subject matter.

22 (6) Special provisions relating to chapter 6, Laws 2010 (symphony orchestra employees)
23 and chapter 49.08 RCW (private sector and other employees) are set forth in WAC sections
24 numbered nine digits greater than the general rule on that subject matter.

UNFAIR LABOR PRACTICE CASES – CHAPTER 391-45 WAC

WAC 391-45-002 Sequence and numbering of rules – Special provisions Amendment Needed

Chapter 6, Laws 2010 places employees of certain symphony orchestras under the jurisdiction of the Public Employment Relations Commission. It is staff's intent that existing unfair labor practice case practices continue unless chapter 6, laws 2010 specifically requires otherwise.

1 WAC 391-45-002 Sequence and numbering of rules — Special provisions.

2 This chapter of the Washington Administrative Code is designed to regulate proceedings under a
3 number of different chapters of the Revised Code of Washington. General rules are set forth in
4 sections with numbers divisible by ten. Where a deviation from the general rule is required for
5 conformity with a particular statute, that special provision is set forth in a separate rule numbered
6 as follows:

7 (1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective
8 Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sections
9 numbered one digit greater than the general rule on that subject matter.

10 (2) Special provisions relating to chapter 41.59 RCW (Educational Employment
11 Relations Act) are set forth in WAC sections numbered two digits greater than the general rule
12 on that subject matter.

13 (3) Special provisions relating to chapter 28B.52 RCW (Collective Bargaining --
14 Academic Personnel in Community Colleges) are set forth in WAC sections numbered three
15 digits greater than the general rule on that subject matter.

16 (4) Special provisions relating to RCW 41.06.340 and/or chapter 41.80 RCW (Personnel
17 System Reform Act) are set forth in WAC sections numbered six digits greater than the general
18 rule on that subject matter.

19 (5) Special provisions relating to chapter 41.76 RCW (faculty at public four-year
20 institutions of higher education) are set forth in WAC sections numbered seven digits greater
21 than the general rule on that subject matter.

22 (6) Special provisions relating to chapter 6, Laws 2010 (symphony orchestra employees)
23 and chapter 49.08 RCW (private sector and other employees) are set forth in WAC sections
24 numbered nine digits greater than the general rule on that subject matter.

IMPASSE RESOLUTION CASES – CHAPTER 391-55 WAC

WAC 391-55-002 Sequence and numbering of rules – Special provisions Amendment Needed

Chapter 6, Laws 2010 places employees of certain symphony orchestras under the jurisdiction of the Public Employment Relations Commission. It is staff's intent that impasse resolution case practices continue unless chapter 6, laws 2010 specifically requires otherwise.

1 WAC 391-55-002 Sequence and numbering of rules — Special provisions.

2 This chapter of the Washington Administrative Code is designed to regulate proceedings under a
3 number of different chapters of the Revised Code of Washington. General rules are set forth in
4 sections with numbers divisible by ten. Where a deviation from the general rule is required for
5 conformity with a particular statute, that special provision is set forth in a separate rule numbered
6 as follows:

7 (1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective
8 Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sections
9 numbered one digit greater than the general rule on that subject matter.

10 (2) Special provisions relating to chapter 41.59 RCW (Educational Employment
11 Relations Act) are set forth in WAC sections numbered two digits greater than the general rule
12 on that subject matter.

13 (3) Special provisions relating to chapter 28B.52 RCW (Collective Bargaining --
14 Academic Personnel in Community Colleges) are set forth in WAC sections numbered three
15 digits greater than the general rule on that subject matter.

16 (4) Special provisions relating to RCW 41.06.340 and/or chapter 41.80 RCW (Personnel
17 System Reform Act) are set forth in WAC sections numbered six digits greater than the general
18 rule on that subject matter.

19 (5) Special provisions relating to chapter 41.76 RCW (faculty at public four-year
20 institutions of higher education) are set forth in WAC sections numbered seven digits greater
21 than the general rule on that subject matter.

22 (6) Special provisions relating to chapter 6, Laws 2010 (symphony orchestra employees)
23 and chapter 49.08 RCW (private sector and other employees) are set forth in WAC sections
24 numbered nine digits greater than the general rule on that subject matter.

WAC 391-55-071 Special provision – Public Employees

NEW SECTION

Chapter 235, Law 2010 requires that persistently low-achieving schools and their districts create an action plan to achieve better performance. Collective bargaining would be required to modify the existing terms and conditions of employment that may be impacted by the action plan. A special rule is needed to clarify that should mediation be required during negotiations regarding the impacts that the required action plan has upon the terms and conditions of employment for employees at a school district, only one mediation will be held under terms of this law, that the single mediation should include all bargaining representatives of the school district, and that mediations are limited to negotiating those terms and conditions of employment “that are necessary to implement the action plan.”

1 WAC 391-55-071 Special provision – Public employees

2 In cases involving mediation conducted under section 105, chapter 235, Laws 2010, the mediator
3 shall ensure that:

4 (1) Representatives from all bargaining units affected by the action plan are provided an
5 opportunity to participate in a single mediation with the employer; and

6 (2) The scope of the mediation is limited to those terms and conditions of employment
7 that are impacted by the action plan.

WAC 391-55-072 Special Provision – Educational employees

Proposed Rule

See comment above.

1 **WAC 391-55-072 Special provision – Educational employees**

2 In cases involving mediation conducted under section 105, chapter 235, Laws 2010, the mediator
3 shall ensure that:

4 (1) Representatives from all bargaining units affected by the action plan are provided an
5 opportunity to participate in a single mediation with the employer; and

6 (2) The scope of the mediation is limited to those terms and conditions of employment
7 that are impacted by the action plan.

WAC 391-55-200 Interest Arbitration – Certification of issues.

Amendment Needed

A amendment is needed to this rule to include the Language access providers, child care providers, adult family home providers, and commercial nuclear employees under coverage of the rule.

1 **WAC 391-55-200 Interest arbitration — Certification of issues.**

2 (1) If a dispute involving a bargaining unit eligible for interest arbitration under RCW 41.56.028,
3 41.56.029, chapter 296, Laws 2010, 41.56.030(7), 41.56.475,41.56.492, RCW 41.56.496 or
4 74.39A.270 (2)(c) has not been settled after a reasonable period of mediation, and the mediator is
5 of the opinion that his or her further efforts will not result in an agreement, the following
6 procedure shall be implemented:

7 (a) The mediator shall notify the parties of his or her intention to recommend that the
8 remaining issues in dispute be submitted to interest arbitration.

9 (b) Within seven days after being notified by the mediator, each party shall submit to the
10 mediator and serve on the other party a written list (including article and section references to
11 parties' latest collective bargaining agreement, if any) of the issues that the party believes should
12 be advanced to interest arbitration.

13 (2) The mediator shall review the lists of issues submitted by the parties.

14 (a) The mediator shall exclude from certification any issues that have not been mediated.

15 (b) The mediator shall exclude from certification any issues resolved by the parties in
16 bilateral negotiations or mediation, and the parties may present those agreements as

17 "stipulations" in interest arbitration under RCW 41.56.465 (1)(b), 41.56.475 (2)(b), or 41.56.492
18 (2)(b).

19 (c) The mediator may convene further mediation sessions and take other steps to resolve
20 the dispute.

21 (3) If the dispute remains unresolved after the completion of the procedures in
22 subsections (1) and (2) of this section, interest arbitration shall be initiated, as follows:

23 (a) Except as provided in (b) of this subsection, the mediator shall forward his or her
24 recommendation and a list of unresolved issues to the executive director, who shall consider the
25 recommendation of the mediator. The executive director may remand the matter for further
26 mediation. If the executive director finds that the parties remain at impasse, the executive
27 director shall certify the unresolved issues for interest arbitration.

28 (b) For a bargaining unit covered by RCW 41.56.492, the mediator shall certify the
29 unresolved issues for interest arbitration.

WAC 391-55-201 Special provision – Public Employees

Proposed Rule

Chapter 235, Law 2010 requires that persistently low-achieving schools and their districts create an action plan to achieve better performance. If mediation proves to be unsuccessfully in assisting the parties to reach agreement, then the Executive Director must certify any outstanding issues to the superior courts for resolution.

1 WAC 391-55-201 Special Provision – Certification of Issues -

2 (1) If a dispute involving negotiations conducted under section 105, chapter 235, Laws
3 2010 and WAC 391-55-071 have not been settled by May 15th of the year in which mediation
4 occurred, the Executive Director shall certify any disputed issues for a decision by the superior
5 court in the county where the school district is located.

6 (2) The Executive Director shall review the lists of issues submitted by the parties,
7 including any list of issues submitted under WAC 391-55-072.

8 (a) The Executive Director shall exclude from certification any issues that have not been
9 mediated.

10 (b) The Executive Director shall exclude from certification any issues resolved by the
11 parties in bilateral negotiations or mediation, and the parties may present those agreements as
12 "stipulations" to the superior court.

WAC 391-55-202 Special provision – Public Employees

Proposed Rule

Chapter 235, Law 2010 requires that persistently low-achieving schools and their districts create an action plan to achieve better performance. If mediation proves to be unsuccessfully in assisting the parties to reach agreement, then the Executive Director must certify any outstanding issues to the superior courts for resolution.

1 WAC 391-55-202 Special Provision – Certification of Issues -

2 (1) If a dispute involving negotiations conducted under section 105, chapter 235, Laws
3 2010 and WAC 391-55-072 have not been settled by May 15th of the year in which mediation
4 occurred, the Executive Director shall certify any disputed issues for a decision by the superior
5 court in the county where the school district is located.

6 (2) The Executive Director shall review the lists of issues submitted by the parties,
7 including any list of issues submitted under WAC 391-55-071.

8 (a) The Executive Director shall exclude from certification any issues that have not been
9 mediated.

10 (b) The Executive Director shall exclude from certification any issues resolved by the
11 parties in bilateral negotiations or mediation, and the parties may present those agreements as
12 "stipulations" to the superior court.

WAC 391-55-302 Special provision – Educational Employees

Proposed Rule

Chapter 235, Law 2010 requires that persistently low-achieving schools and their districts create an action plan to achieve better performance. If mediation proves to be unsuccessfully in assisting the parties to reach agreement, the fact finding provisions contained in Chapter 41.59 RCW are not applicable to negotiations conducted under the statute

1 WAC 391-55-302 Special Provision – Educational employees

2 WAC 391-55-310 through WAC 391-55-355 are not applicable to negotiations between
3 educational employees and employers conducted under section 105, chapter 235, Laws 2010.

GRIEVANCE ARBITRATOIN CASES – CHAPTER 391-65 WAC**WAC 391-65-002 Sequence and numbering of rules – Special provisions Amendment Needed**

Chapter 6, Laws 2010 places employees of certain symphony orchestras under the jurisdiction of the Public Employment Relations Commission. It is staff's intent that existing unit clarification case practices continue unless chapter 6, laws 2010 specifically requires otherwise.

1 WAC 391-65-002 Sequence and numbering of rules — Special provisions.

2 This chapter of the Washington Administrative Code is designed to regulate proceedings under
3 a number of different chapters of the Revised Code of Washington. General rules are set forth in
4 sections with numbers divisible by ten. Where a deviation from the general rule is required for
5 conformity with a particular statute, that special provision is set forth in a separate rule numbered
6 as follows:

7 (1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective
8 Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sections
9 numbered one digit greater than the general rule on that subject matter.

10 (2) Special provisions relating to chapter 41.59 RCW (Educational Employment
11 Relations Act) are set forth in WAC sections numbered two digits greater than the general rule
12 on that subject matter.

13 (3) Special provisions relating to chapter 28B.52 RCW (Collective Bargaining --
14 Academic Personnel in Community Colleges) are set forth in WAC sections numbered three
15 digits greater than the general rule on that subject matter.

16 (4) Special provisions relating to RCW 41.06.340 and/or chapter 41.80 RCW (Personnel
17 System Reform Act) are set forth in WAC sections numbered six digits greater than the general
18 rule on that subject matter.

19 (5) Special provisions relating to chapter 41.76 RCW (faculty at public four-year
20 institutions of higher education) are set forth in WAC sections numbered seven digits greater
21 than the general rule on that subject matter.

22 (6) Special provisions relating to chapter 6, Laws 2010 (symphony orchestra employees)
23 and chapter 49.08 RCW (private sector and other employees) are set forth in WAC sections
24 numbered nine digits greater than the general rule on that subject matter.

NONASSOCIATION CASES – CHAPTER 391-95 WAC**WAC 391-95-002 Sequence and numbering of rules – Special provisions Amendment Needed**

Chapter 6, Laws 2010 places employees of certain symphony orchestras under the jurisdiction of the Public Employment Relations Commission. It is staff's intent that existing unit clarification case practices continue unless chapter 6, laws 2010 specifically requires otherwise.

1 WAC 391-95-002 Sequence and numbering of rules — Special provisions.

2 This chapter of the Washington Administrative Code is designed to regulate proceedings under
3 a number of different chapters of the Revised Code of Washington. General rules are set forth in
4 sections with numbers divisible by ten. Where a deviation from the general rule is required for
5 conformity with a particular statute, that special provision is set forth in a separate rule numbered
6 as follows:

7 (1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective
8 Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sections
9 numbered one digit greater than the general rule on that subject matter.

10 (2) Special provisions relating to chapter 41.59 RCW (Educational Employment
11 Relations Act) are set forth in WAC sections numbered two digits greater than the general rule
12 on that subject matter.

13 (3) Special provisions relating to chapter 28B.52 RCW (Collective Bargaining --
14 Academic Personnel in Community Colleges) are set forth in WAC sections numbered three
15 digits greater than the general rule on that subject matter.

16 (4) Special provisions relating to RCW 41.06.340 and/or chapter 41.80 RCW (Personnel
17 System Reform Act) are set forth in WAC sections numbered six digits greater than the general
18 rule on that subject matter.

19 (5) Special provisions relating to chapter 41.76 RCW (faculty at public four-year
20 institutions of higher education) are set forth in WAC sections numbered seven digits greater
21 than the general rule on that subject matter.

22 (6) Special provisions relating to chapter 6, Laws 2010 (symphony orchestra employees)
23 and chapter 49.08 RCW (private sector and other employees) are set forth in WAC sections
24 numbered nine digits greater than the general rule on that subject matter.