

Representation FAQ

Who can file a representation petition?

- **Labor organizations** may file to be certified as the exclusive bargaining representative of a particular bargaining unit.
- **Individual employees** may only file to remove or decertify their existing bargaining representative.
- **Employers** may only file under limited circumstances as described in WAC 391-25-090.

What is a showing of interest?

All petitions must be filed with a showing of interest. A showing of interest is **individual** papers/cards from at least 30% of the employees in the bargaining unit. Each card must be signed, dated, and clearly state the desired outcome. A sheet of paper with multiple signatures will not be accepted.

Example language:

- ✓ I want to be represented by 'name of union' for the purpose of collective bargaining (or)
- ✓ I no longer want to be represented by 'name of union' for the purpose of collective bargaining

Do showing of interest cards expire?

Yes, showing of interest cards can expire. Cards must be from the 'current' organizing campaign, and will be current only if they are dated less than one year before the date the petition is filed with PERC.

Can a petition be filed at any time?

Yes, if you wish to organize a new bargaining unit or the current contract has expired.

A petition to organize and represent unrepresented employees can be filed at any time. After a contract has expired, a petition can also be filed at any time prior to the signing of a new contract.

No, if you wish to Change Representation or Decertify.

Employees covered by a current contract must file a petition to decertify or change unions during a 30 day "window period." The 30-day window period is determined by the expiration date of the current contract.

- For state employees under RCW 41.80, the 30-day window period begins 120 days and ends 90 days before the contract expires.
- For employees under all other statutes, the 30-day window period begins 90 days and ends 60 days before the contract expires.

No, if PERC has held an election in the last 12 months.

If PERC has issued a certification, no petition involving the same employees may be filed for 12 months from the date of the certification.

How long does it take to process a representation petition?

If all parties agree to the matters that need to be determined during the processing of the petition, an election will be held about 6-8 weeks after the petition is filed. When there is a matter that needs to be determined by a hearing, a case will take longer to complete.

How is a representation petition determined?

PERC determines union representation by either an **election** or a **cross-check** of records.

What is the difference between an election and cross-check?

In a mail ballot, phone or online election:

- Secret ballots (or voting instructions including a confidential pin # in phone/online elections) are mailed to eligible employees' homes to vote for their choice of representation, and returned to PERC.
- An election is conducted with a tally of ballots received.

In a cross-check:

- When a sufficient number of signature cards are provided with the petition, those cards are compared with signatures from employees' employment records.
- No ballots are sent to employees, the signature cards signed in support of the petition count as their vote.
- Employees are given the opportunity to withdraw their signature for the purpose of a cross-check.

Can all petitions be determined by a cross-check?

No, a cross-check can only be conducted under certain circumstances.

A cross-check may be conducted when only one union has petitioned to represent a unit or the petition is supported by signature cards from more than 70% of employees covered by most RCWs except more than 50% of employees covered by RCW 41.80

A cross-check may not be conducted to remove or decertify a union or for cases involving teachers at school districts

What can I do if I no longer wish to be represented by a union?

An individual employee or small group of employees cannot file a petition to remove themselves from a larger bargaining unit. A petition to decertify must cover the entire unit as it currently exists.

What is involved in filing a petition to decertify?

- You must know the number of employees in the bargaining unit and obtain showing of interest cards from at least 30% of the unit who support the decertification effort.
- One employee must act as the filing party (petitioner) and point of contact who will participate in any conference or hearing that PERC directs.

- When filing a decertification petition, a copy of the petition (but not the showing of interest) must be served on both the employer and the current union.

Who gets to vote in a decertification petition?

All employees determined to be in the bargaining unit will be given an opportunity to vote.

How do we get a different union to represent us?

A group of employees cannot force themselves upon a union and PERC cannot compel a union to represent a group of employees. Employees that wish to have a different union represent them must contact the union, and the petition to change representation must be filed by that union on behalf of the employees.

What does PERC consider a labor organization?

A bargaining representative is any organization which has as one of its primary purposes to represent employees in collective bargaining.