

TACOMA COMMUNITY COLLEGE

Special Meeting of the Board of Trustees

February 15, 1972

5:30 P.M.

Northwest History Room

AGENDA

1. Roll call
2. Minutes
3. Correspondence
4. Unfinished business
 - (a) Resolution adopting guidelines for elections to determine bargaining agent for academic employees (Sup. 4-a)
 - (b) Resolution authorizing the President to request services from the Washington State Department of Labor and Industries (Sup. 4-b)
5. Information
 - (a) Statement from Collegiate Challenge and Government of the Associated Students of TCC (Sup. 5-a)

TACOMA COMMUNITY COLLEGE
BOARD OF TRUSTEES

MINUTES OF SPECIAL MEETING
February 15, 1972

A special meeting of the TCC Board of Trustees was held on Tuesday, February 15, 1972, in the Northwest History Room of the college.

Members and Officers of the Board in Attendance:

Rev. Robert M. Yamashita, Chairman
Mr. Don E. Anderson
Dr. Dewey Tuggle
Mr. Robert O. Springer
Dr. Thornton Ford, Secretary

Absent:

Mr. Charles L. Edmunds, Vice-Chairman

Administrative Staff, Students, and Others Who Regularly Attend:

Mr. Gene Achziger	Mr. Leonard Lukin
Dr. Richard C. Falk	Mr. Jerry McCourt
Mr. Howard Ferguson	Dr. Tom McLaughlin
Mr. Don Gangnes	Mr. Robert E. Patterson
Mr. Vernon Hess	Dr. Robert R. Rhule
Mr. George Huffman	Mr. George Van Mieghem
Dr. Paul Jacobson	Mr. Steve Whitbeck
Mr. Luther Jansen	Dr. Dale Wirsing
Dr. Robert C. Lathrop	

Guests:

Mrs. Robert E. Patterson

CALL TO ORDER

The meeting was called to order by Chairman Yamashita at 5:50 P.M. It was noted that Mr. Edmunds was unable to attend for personal reasons. A quorum was present with four members of the Board in attendance.

APPROVAL OF MINUTES

The minutes of the last regular meeting held on January 27, 1972 will be approved at the regular meeting to be held on February 24.

UNFINISHED BUSINESS

Resolution No. 72-4 -- guidelines for elections to determine a bargaining agent for academic employees (Sup. 4-a) was discussed. It was pointed out by AAG Robert Patterson that the adoption of this resolution would establish emergency rules that would expire in ninety days. At the end of the ninety day period Board action will be required to establish these rules as permanent. They can be amended, if desired, at that time.

In discussion, TCCA President Luther Jansen said their position is essentially the same as it was before (i.e., half of full-time academic employees should be eligible to vote). TCCFT President George Huffman agreed with Mr. Jansen.

Two versions of WAC 132V-112-057 were considered. Mr. Anderson said he felt that the version excluding certain part-time academic employees "pretty much captures the philosophy of the motion passed at the January 27, 1972 regular Board meeting."

Motion: Dr. Tuggle moved and Mr. Springer seconded that the Board adopt the version of WAC 132V-112-057 which excludes certain part-time academic employees from voting.

Motion carried unanimously.

The resolution then went before the Board for action. (Resolution No. 72-4)

Motion: Mr. Anderson moved and Mr. Springer seconded that the Board adopt Resolution No. 72-4 (Sup. 4-a) including the version of WAC 132V-112-057 excluding certain part-time academic employees from voting as contained in Exhibit A attached to the resolution.

Motion carried unanimously and the resolution was adopted.

AAG Robert Patterson recommended that the TCCFT re-submit their request for an election now that election rules have been established by the TCC Board of Trustees.

Resolution No. 72-5 (Sup. 4-b) -- authorizing the president to request services from the Washington State Department of Labor and Industries in connection with and for the purpose of conducting any election which may be requested and/or held pursuant to WAC 132V-112-003 through WAC 132V-112-063 during the 1970-71 school year, and delegating authority to the president to perform such duties as are necessary and also those required of the Board by these codes in connection with any such election, was discussed.

Motion: Mr. Springer moved and Dr. Tuggle seconded that the Board adopt Resolution No. 72-5 (Sup. 4-b).

Motion carried unanimously.

Mr. Patterson advised that he has already contacted Mr. Chester Ramage of the Washington State Department of Labor and Industries and the Department is willing to undertake this election at no cost. President Ford will follow up on this matter.

INFORMATION

The problem regarding certain language and content of poetry printed in the February 4 issue of the Collegiate Challenge was brought up.

Dr. Ford said an extensive meeting was held in his office for the purpose of discussing the February 4, 1972 edition of the Challenge. After this meeting, Associated Student Body President Steve Whitbeck and Cheryl Doten, editor of the Challenge, prepared a letter of apology which they personally delivered to Senator Knoblauch and Representative Gladder in Olympia, who had expressed displeasure with some of the contents of that particular edition of the newspaper.

Mr. Whitbeck advised the Board that on February 15 the Student Senate established a publications board, charged with responsibility for setting policy and guidelines for content of the student newspaper. This board is composed of students, faculty members, and representatives of the public.

Dr. Falk said information just received was that SHB No. 381, a capital construction bill in the House, had been cut from \$50 million to \$25 million. The administration urged everyone to get in touch with senators and representatives asking restoration of the \$25 million.

NEXT MEETING

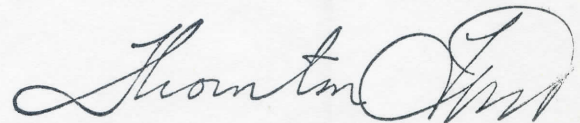
The next regular meeting will be held on February 24, 1972 at 3:30 P.M. in the Northwest History Room of the college.

ADJOURNMENT

Motion: Dr. Tuggle moved and Mr. Springer seconded that the meeting be adjourned.

Motion carried unanimously.

The meeting adjourned at 6:50 P.M.



Thornton Ford, Secretary

Adopted by the TCC Board of
Trustees at a Special Meeting
held on February 15, 1972

RESOLUTION NO. 72-4

BE IT RESOLVED by a majority of the Board of Trustees of Community College District No. 22, That it finds the immediate adoption of the following rules governing the election and/or certification of the academic employees' representative as necessary for the preservation of the public health, safety, or general welfare and that the observance of the requirements of notice and opportunity to present views on the adoption of such rules would be contrary to the public interest for the reason that an election was requested by the Tacoma Community College Federation of Teachers as early as December 6, 1971, and it is necessary to implement such election as soon as possible;

NOW, THEREFORE, The Board of Trustees of Community College District No. 22 hereby adopts the following rules, attached, marked Exhibit A (pages 1 through 5), to Resolution No. 72-4, and incorporated herein by this reference, as emergency rules of the district and direct that they be filed with the Code Reviser:

WAC 132V-112-003, WAC 132V-112-006, WAC 132V-112-009, WAC 132V-112-012,
WAC 132V-112-015, WAC 132V-112-018, WAC 132V-112-021, WAC 132V-112-024,
WAC 132V-112-027, WAC 132V-112-030, WAC 132V-112-033, WAC 132V-112-036,
WAC 132V-112-039, WAC 132V-112-042, WAC 132V-112-045, WAC 132V-112-048,
WAC 132V-112-051, WAC 132V-112-054, WAC 132V-112-057 (the version
excluding certain part-time academic employees from voting), WAC 132V-112-060,
and WAC 132V-112-063.

NEW WAC 132V-112-003 PURPOSE. Pursuant to Chapter 196, Laws of 1971, 1st Ex. Sess., the Board of Trustees of Community College District No. 22 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 No. 22 and the Board of Trustees of Community College District No. 22.

NEW WAC 132V-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 No. 22 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 No. 22 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 No. 22 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 No. 22 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 132V-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 No. 22 have indicated that they desire to be represented by that organization for such purposes, the Board of Trustees of Community College District No. 22 will publish a notice that it will hold an election as soon as practical to determine whether the academic employees of Community College District No. 22 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 No. 22, 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 percent representation of the academic employees of the district. 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.

NEW WAC 132V-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 No. 22, pursuant to WAC 132 V-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 132V-112-003 through WAC 132V-112-063

NEW

WAC 132V-112-015 LIST OF ACADEMIC EMPLOYEES - POSTING OF LIST. In any election conducted pursuant to WAC 132V-112-003 through WAC 132V-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 right of an academic employee to vote in the election.

NEW

WAC 132V-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 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 WAC 132V-112-024 and WAC 132V-112-036 through WAC 132V-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 132V-112-021 BALLOTS. The ballots used in any election held pursuant to WAC 132V-112-003 through WAC 132V-112-063 shall be in the following form:

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* * * * *
*
* To select for Representation Purposes Pursuant to
* Chapter 196, Laws of 1971, 1st Ex. Sess., a Majority
* Organization to Represent Academic Employees of
* Community College District No. 22.
*
* ORGANIZATION X                               Vote for one
*                                               
*
* ORGANIZATION Y                               
*
* NO ORGANIZATION (Neither)                   
*
* Do not sign your name or put other identifying
* marks on this ballot. Should you incorrectly mark
* this ballot or otherwise spoil it, you may return it
* to the chief election officer or his inspector and
* obtain a new ballot.
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* * * * *

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NEW

WAC 132V-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 132V-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 132V-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 132V-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 132V-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 place at which it was challenged, and the envelope shall be sealed and initialed by the election inspectors.

NEW

WAC 132V-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 132V-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 132V-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 132V-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 132V-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 132V-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 132V-112-048, file objections to the conduct of the election with the chief election officer designated by the Board of Trustees pursuant to WAC 132V-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 132V-112-057 PERSONS ELIGIBLE TO VOTE - DEFINITION OF "ACADEMIC EMPLOYEE". All academic employees of Community College District No. 22 shall be eligible to vote pursuant to WAC 132V-112-003 through WAC 132V-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 No. 22, with the exception of the chief administrative officer of the district.

W
WAC 132V-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 132V-112-003 through WAC 132V-112-063 shall be recognized as representing the academic employees of Community College District No. 22 pursuant to Chapter 196, Laws of 1971, 1st Ex. Sess. If more than one organization of academic 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.

NEW
WAC 132V-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.

Adopted by the TCC Board
of Trustees at a Special
Meeting held on February 15,
1972

RESOLUTION NO. 72-5

BE IT RESOLVED by a majority of the Board of Trustees of Community College District No. 22, That it: 1) hereby directs and authorizes the president to arrange for and secure the services of the Washington State Department of Labor and Industries in connection with and for the purpose of conducting any election which may be requested and/or held pursuant to WAC 132V-112-003 through WAC 132V-112-063 during the 1971-72 school year; and 2) delegates authority to the president to perform such duties as are necessary and also those required of the Board by WAC 132V-112-003 through WAC 132V-112-063 in connection with any such election.

Tacoma Community College



MEMORANDUM

Date: February 9, 1972
To: The Faculty
From: Tom Ford
Subject: ACADEMIC EMPLOYEES REPRESENTATIVE ELECTION RULES

Please find attached two documents. Attachment #1 contains an alternative to Paragraph 4, page 4 (WAC 132V-112-057) Persons Eligible to Vote (Attachment #2) and the supporting rationale for the alternative.

Attachment #2 contains the proposed rules governing elections of the academic employees' representative for purposes of Chapter 196, Laws of 1971, 1st. Extraordinary Session (Negotiations Act).

The Board of Trustees will hold a special meeting at 5:30 p.m. on Tuesday, February 15, in the Northwest Room. The purpose of the meeting will be to adopt the rules and establish a formal means for certifying a request for, and conducting an election.

The alternative described in Attachment #1 represents, in my opinion, an acceptable interpretation of the action taken on the matter by the Board at their January meeting.

TF

TF/nt
Attachments
cc: Members of the Board of Trustees

MEMORANDUM

February 8, 1972

TO: BOARD OF TRUSTEES
Tacoma Community College

FROM: ROBERT E. PATTERSON, Assistant Attorney General

SUBJECT: Eligibility of Academic Personnel to vote in
Representative Election

I have enclosed for your review draft number 2 of the proposed rules governing elections of the academic employees representative for purposes of chapter 196, Laws of 1971, 1st. ex. sess. At the suggestion of Mr. Willard Olson, Mediator, Department of Labor and Industries I have: 1) modified WAC 132V-112-009 to provide that "other" organizations may be added to the ballot only upon proof of at least 10% employee representation, and 2) modified WAC 132V-112-021 to provide that the ballot shall inform the voter that he may receive a substitute ballot in the event he spoils the one issued.

Pursuant to the board's resolution adopted January 27, 1972 Dr. Ford has proposed, and I have reviewed, an alternative to WAC 132V-112-057 (persons eligible to vote) which would exclude from the election process certain academic employees who do not have "a consistent employment record at Tacoma Community College" and who do not have "a continuing interest in the college". See the Board's resolution adopted January 27, 1972.

In its present form WAC 132V-112-057 would allow all academic employees to vote without regard to their employment status as full time, part time etc.

The basic rationale for allowing all academic employees to vote is that all academic employees are represented by the same organization and it follows that, in all fairness, those who may be represented should have the opportunity to determine if they desire to be represented in the first instance and if so, to participate in the selection of their representative. As I have formerly advised, this position is absolutely defensible from a legal standpoint.

Prior to setting forth the alternative version of WAC 132V-112-057, I will review the legal guidelines governing the board's actions and in particular, the definition of "arbitrary and capricious" since introduction of this phrase caused some degree of confusion at the last board meeting.

MEMORANDUM

Page 2

February 8, 1972

The point to be emphasized is that any classification as to academic employees entitled to vote and those not entitled to vote must be rationale. It cannot be arbitrary, capricious or invidiously discriminatory. Cf. State Ex. Rel. Raines v. Seattle, 134 Wash. 360, 235 Pac. 968 (1925) and authorities discussed therein.

Arbitrary and capricious action on the part of a governmental agency is willful and unreasoning action, without consideration and in disregard of facts or circumstances State ex rel. Cosm. Etc. v. Bruno, 61 Wn. (2d) 461, 378 P. (2d) 691 (1963). Thus, prior to taking action in all cases a governmental agency is well advised to seek out and study all pertinent facts. Having done so a governmental agency's action will be upheld even if the facts reveal that there is room for two opinions and it was believed that an erroneous conclusion may have been reached, provided the action was taken honestly and upon due consideration State Ex. Rel. Cosm. Etc., supra.

Similarly, a classification of employees will generally be held to constitute invidious discrimination and thus a denial of equal protection of the law unless it rests on grounds which are relevant to the achievement of a legitimate state objective. Cf. McGowan v. Maryland, 366 U.S. 420, 6 L.Ed. 2d 393, 81 S.Ct. 1104 (1961) and authorities cited therein and State Ex. Rel. Raines, supra. Furthermore, if the classification is based upon certain "suspect" criteria (i.e. race or wealth) or affects a "fundamental" right (e.g. voting), it may well be necessary that it be justified by a "compelling" state interest. Cf. Shapiro v. Thompson, 394 U.S. 618, 22 L. Ed. (2d) 600, 89 S.Ct. 1322 (1969) and authorities cited therein.

Accordingly, in the instant case, the trustees must give consideration to the facts distinguishing certain academic employees from others and determine whether, at a minimum, the exclusion of certain academic employees from the election process is relevant to achievement of strengthened employer-employee relations or a similar objective.

With the foregoing in mind, Dr. Ford and myself have developed the following as the most defensible alternative to the current version of WAC 132V-112-057:

WAC 132V-112-057 PERSONS ELIGIBLE TO VOTE -
DEFINITION OF "ACADEMIC EMPLOYEE". All academic employees of Community College District

MEMORANDUM

Page 3

February 8, 1972

No. 22 shall be eligible to vote pursuant to WAC 132 V-112-003 through WAC 132V-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 No. 22, with the exception of the chief administrative officer of the district.

The foregoing rule would have the effect of excluding from the election all part time academic employees who were employed as such for the first time for the quarter during which the election is held.

The basic criteria upon which the rule is based is that which is employed by the National Labor Relations Board, to wit:

"eligibility to vote depends on whether an employee is sufficiently concerned with the terms and conditions of employment in a unit to warrant his participation in the selection of a bargaining agent". Shoreline Enterprises v. N.L.R.B., 262 F. 2d 933, 944 (5 Cir., 1959) [36 L.C. 91 65, 158]

In turn, whether or not an individual is sufficiently concerned is dependent upon whether or not he has a reasonable expectancy of forthcoming regular employment. Thus, under National Labor Relations Board practice, seasonal employees (summertime) who do not have a reasonable expectancy of forthcoming regular employment and other irregularly employed individuals have been excluded from the election process. Cf., N. L. R. B. v. Joclin Mfg. Co., 314 F.2d 627 (2 Cir., 1963) [46 L.C. ¶ 18, 069 (1963)]; N. L. R. B. v. Belcher Towing Company, 284 F.2d 118 (5 Cir., 1960); and also Fruitpoint Community Schools and AFSCME Michigan Council # 55, Michigan Employment Relations Commission Case No. R 70 C-114, July 16, 1970, in which teachers who performed custodial work during the summer were excluded from voting in

MEMORANDUM

Page 4

February 8, 1972

connection with the certification of the custodial employees bargaining representative, but where part time student employees were allowed to vote. The suggested alternative is a modification of the foregoing in that it is based upon evidence of a reasonable expectancy of reemployment, not necessarily regular employment.

The apparent rationale is that those academic employees who have a reasonable expectancy of reemployment at ~~time~~ ^{Some} time will most likely be affected in their future employment relations by the outcome of the election and thus they reasonably have the greater and continuing "interests". On the other hand, those employees who may be employed only for the quarter during which the election is held do not and cannot be expected to possess the same or a "sufficient" degree of "interests" in the selection (or decertification) of the employee organization.

With the foregoing rational in mind, the following represents the factual basis upon which the alternative rule is based.

All full time academic employees were automatically attributed with a reasonable expectancy of reemployment or continued employment. In this respect, full time employment normally carries with it the status of tenure or a probationary appointment, both of which give rise to an expectancy of continued employment and/or reemployment. In the case of full time administrative personnel, while they do not possess tenure with respect to such positions, they may possess tenure as a teacher, counselor, etc. and in any case possess a reasonable expectancy of continued and/or re-employment by virtue of full time employment per se.

Part time academic employees, however, do not share the same expectancy of reemployment or continued employment as do full time employees. In this respect, they are employed on a quarter by quarter basis as the need arises and/or as it may or may not continue, e.g. all or a portion of a part time employees contract may be cancelled in the event a class fails to fill. Furthermore, there is evidence of a high rate of turnover in part time academic employment i.e. during the 70-71 Fall, Winter and Spring Quarters and the 71-72 Fall and Winter Quarters a total of 299 part time faculty were employed for at least one quarter; of the 299, 141 were employed for only one quarter. These figures

MEMORANDUM

Page 5

February 8, 1972

indicate that many part time faculty return again at some time, while many may teach only for a quarter. A further analysis of the part time faculty employment picture from the Fall Quarter 1967 to date shows that some have been regularly employed for several years while many have been re-employed irregularly over a several year period (i.e. one or two quarters each of the last two years, 70-71 and 71-72).

Since by its nature and purpose, part time employment is most often irregular and yet possesses varying degrees of continuity, it was decided that the line be drawn as between those individuals whose employment pattern has evidenced some continuity of both interest on the part of the individual to be employed and need and/or interest on the part of the institution to employ them, and those whose employment pattern does not.

The proposed alternative to WAC 132V-112-057 would thus allow all academic employees to vote with the exception of those whose employment status carries no assurance of reemployment or continued employment per se and furthermore whose pattern of employment evidences no reasonable expectancy of reemployment, to wit: those academic personnel who are employed on a part time basis and for the first time for the quarter during which the election is held.

The foregoing has been rather lengthy, however it demonstrates the thought process through which the board must proceed in order to justify an exclusionary rules such as that which has been suggested as the most defensible alternative to allowing all academic employees to vote..

For your additional information, I have checked with the Department of Labor and Industries to determine their willingness, if requested, to conduct the proposed election. Mr. Chester W. Ramage, Supervisor of the Industrial Relations Division, advises that his agency will conduct the election and provide an elections officer free of charge upon the board of trustees request.

I trust this is of assistance.

REP

REP:rv
Encl.

Part-Timers

Name	1967-68				1968-69				1969-70				1970-71				1971-72					
	Su.	F	W	S	Su.	F	W	S	SU.	F	W	S	SU.	F	W	S	Su.	F	W	S	Su.	
Riegel, Charles														x								
Laughlin, Donn										x	x			x	x	x						
Claringbould, Johanna														x	x	x			x		x	
ensen, H.								x		x	x	x										
illiard, Ken										x	x			x	x	x			x		x	
ladinov, Joe		x	x	x				x	x					x	x	x			x		x	
allagher, James										x	x	x		x	x	x						
bellamy, Ronald														x	x	x						x
Borek, Ken														x	x	x			x		x	
Opsahl, Rolly														x								
unlap, R.								x	x	x				x	x	x			x			
Morris, Theresa														x	x	x						
Adachi, Seiichi		x		x				x	x	x				x					x			
Adams, Robert														x	x	x	x		x		x	
Ancira, Raoul														x	x							
Anderson, Gary														x		x			x			
Andrezejewski, Julie																x						
rmov, Mike										x	x	x		x	x	x			x		x	
lt																x					x	
ckstrom, Margaret														x	x	x						x
annon, Rosobel																x						
asnaw, Rick														x	x	x						
er, Jerry														x	x	x			x		x	
eller, Hillard														x	x	x						
ennett, Huguetta															x	x						
enson, Bev																x						
ergerson, Erling														x		x						
adstrup, Marion																x						
ack, Pat															x							
ond, Harold																x						
Borell, Norman														x	x							
Boyd, Betty															x	x						
Boyles, Steve														x	x				x			
Brown, Ted														x								
Bujacich, Jack																x						
Burn, Stephanie																x						
Butler, Toby										x	x	x		x	x	x			x		x	
Carlson, Alfred										x					x	x						
Carlson, Tim															x	x			x			
Chopp, Ruth																x						
Coe, Mike															x							
Cole, Kathy															x	x	x			x		
onnors, Frank															x							
Coubrough, Jewel										x					x							
Coy, Winston															x	x						
Demarest, Loni		x	x	x				x	x	x				x	x	x					x	
Durkan, Adele								x						x	x	x						
rs, Carolyn															x							
emery, Jo															x	x	x			x		x
Esser, Helen															x							
Fisher, Ken																x						
ford, Robert															x	x				x		
Frank, Susie															x	x	x					x
rickel, Larry																x	x					
Galinken, George															x		x					
Gaschk, Ranny																	x					x
Glueck, Robert															x	x	x			x		x
Godderis, Gene			x												x					x		x
Graham, Conrad															x	x				x		x
Gross, Lois															x	x	x			x		
Guinn, Arlene															x		x					
Gulhangen, Theodore															x	x	x			x		x
Hagen, Carol																	x					
Haines, Craig																x						
Hammond, Harry																	x					
Hansen, Peter															x							
Harnish, James																x				x		x
Hart, M																	x					
Hemenway, Gladys															x		x			x		x
Hertel, Barbara																x	x					
Armstrong, Alice																	x					

Name	1967-68				1968-69				1969-70				1970-71				1971-72				
	Su.	F	W	S	Su.	F	W	S	SU.	F	W	S	SU.	F	W	S	Su.	F	W	S	Su.
Hildreth, Don					x	x	x		x	x	x		x	x	x	x		x	x		
Ho, Ray										x					x	x				x	
Holsinger, Roland														x							
Hurd, Neil														x	x	x					
Cafrate, Mario									x	x	x		x	x	x						
Iverson, Jan														x							
Iverson, Roger														x	x	x					
Jacobs, John													x		x	x		x	x		
James, Eugene															x	x		x	x		
Johannesen, Judy														x	x	x					
Joyce, Burt							x	x			x	x			x			x	x		
Keniston, Richard														x				x	x		
Kennedy, Mary															x			x	x		
Knapp, Byron														x	x	x					
Knight, Sharon J.													x	x	x	x		x			
Knutsen, Merle															x						
Kosonovic, George															x						
Kossova, Ed															x						
Longhelm, James														x	x	x					
Leister, Terry													x		x	x					
Lennon, Vic														x							
Lindner, Charles																x					
M...en, Robert														x	x	x		x			
Martin, Al	x	x	x	x		x	x	x	x							x		x			
May, Karen															x						
McDowell, Bruce																x					
McKellips, Art									x	x	x		x	x				x			
Merrell, John																x					
Melton, Betty														x		x					
Mikami, Kris																x					
Milan, David									x	x			x	x	x		x	x			
Minetti, Gary										x					x			x			
Morris, Karin														x	x	x		x	x		
Mosher, John															x						
Mulkey, Riebard											x		x	x	x		x	x			
Narr, Daniel														x							
Newshar, Balwant			x			x	x	x								x					
Nordfors, Jill															x						
Normet, Eido																x					
Ondeck, Ann															x						
Patterson, Lynne														x	x	x					
Patton, W.																x					
Pease, Florence									x	x	x		x	x	x						
Peterson, Frank										x					x						
Peterson, Heidi																x					
Phillips, Mary										x					x					x	
Piper, Lee														x							
Platt, Emmett														x							
P...worth, Maggie									x	x	x		x								
Quist, Christel														x	x	x					
Ramsey, Karen																x					
Reed, Stan									x					x		x					
Rex, Paula																x					
Richardson, Russell																x					
Ripley, Doris		x	x			x	x	x	x	x				x				x			
Robinson, John															x						
Schenk, Jean									x						x						
Schroeder, Floyd														x	x	x					
Sehmel, Don														x							
Shahan, H.																x					
Shelley, Joanne														x	x	x	x	x	x		
Slipp, John											x			x		x		x			
Smith, Chizuko																x					
Smith, Jerry																x					
Stainbrook, Gary														x	x						
Stephens, Walter														x	x	x					
Sterling, B.F.				x		x	x	x	x	x	x		x	x	x		x	x			
Stevens, Ken									x	x	x		x	x	x		x				
Stevens, Robert	x	x	x			x	x	x	x	x	x										
Stockwell, Marge														x	x	x		x	x		
Stonestreet, Janice														x							

Name	1967-68			1968-69			1969-70			1970-71			1971-72					
	Su.	F	W	S	Su.	F	W	S	SU.	F	W	S	SU.	F	W	S	Su.	
Stovin, Phil					x	x	x		x	x	x		x	x	x		x	x
Streeter, Ann													x	x	x			
Taylor, Edger				x														
Taylor, Eva									x	x	x		x					
Tellari, Stephen														x			x	x
Thurlow, Judy													x					
Waite, Isabelle													x				x	
Wamhold, William							x		x	x	x		x	x	x			x
Warner, Fred													x					
Webber, Cecil														x				
Orr, Uriah													x	x				
Ryan, William		x	x	x		x	x		x	x			x	x	x		x	x
Rife, Robert		x	x	x		x	x	x	x	x	x		x	x	x		x	x
Clark, Pat													x	x				x
Senver, Pat													x					
Sonntag, Betsy			x	x									x					
Goller, Gayla		x	x	x		x	x	x	x	x	x		x	x	x		x	x
Trier, David		x	x	x		x	x		x	x	x		x	x	x			
Collinge, Frank											x		x	x				
Holme, Vic									x	x			x	x		x		
Haglund, Robert		x	x	x			x						x					
Lehde, Judith													x	x	x			
Kransky, Lorraine													x	x	x			
Kurr, Francis													x					
Eastman, Tom													x					
Fortier, Marie													x	x	x	x		x
Jensen, Larry										x	x			x	x	x		x
Streeter, Wm.									x	x	x			x	x	x		x
Issacson, Des										x				x	x	x		x
Salter, B.														x		x		x
Casey, Kathleen									x	x	x			x	x	x		x
Lobdell, Martin														x	x			
Bruenn, Henry														x				
Witherow, Marvin														x				
Keely, Byron														x	x			x
Neese, Varnell														x		x		x
Smith, Vi														x	x			
Emigh, Frank														x				
Cegavske, Janet														x				
Olmsted, Robert														x	x			
Cassidy, Jacques														x	x		x	
Lowes, Brian														x	x			
Krause, Fayette											x			x				
Kurriger, Francis										x				x	x			
Heidal, Joe										x	x	x		x				
Kubner, Robert														x	x			
Bidwell, Don						x	x							x			x	x
Tupa, Don			x	x		x				x				x				
Macias, Cenobio		x	x	x						x	x	x			x			x
Nelson, Richard															x			
Thwing, Clayton															x			
Ironmonger, Paul															x			
Wu, Stanley															x			
Hollenbeck, Thomas															x			
Boone, Gary															x			
Chopp, Mei			x	x						x	x				x			
Jacobson, Wally															x		x	x
Hannula, Richard	x	x	x	x				x				x			x			
Hulst, Tom															x			
Lofing, Clarence															x			
Smith, Enid															x			
Chung, Sun Do															x			
Freeman, M.																x	x	x
Jensen, Grant																x		x
Wiseman, Vera										x	x	x				x		x
Genda, Ron																x	x	x
McDaniel, Larry																x	x	x
Holsinger, Roland																x		
Hubert, Jim																x		x
Reynolds, Kelly																x		
Larson, Ken																x		x

Name

1967-68

1968-69

1969-70

1970-71

1971-72

Su. F W S Su. F W S Su. F W S Su. F W S Su.

Name	1967-68	1968-69	1969-70	1970-71	1971-72
	Su. F W S	Su. F W S	Su. F W S	Su. F W S	Su. F W S
O'Brien, Mike					
McLachlan, Dan					X X
Armistead, Jill					X X
Webb, Mary					X X
Arnold, Robert	X		X		X X
Harrison, Richard	X				X X
Fisher, Winnifred					X X
Hodges, Friedgard					X X
Evans, John					X X
Kinnaman, Jean					X X
Whitaker, Doug					X
Stevens, K.					
Miller, E.					X X
Harper, George		X X	X X X	X X X	X
Purvis, Gail				X	X
Beyer, M.					X X
Powers, Lila					X
Conley, V.					X
Wiley, Gloria				X	X
Mitsules, J.					X
Church, Billydon					X
Moorer, Gloria					X
Keedy, Joseph					X
Imhoff, Florence					X X
Stefanini, Luciano					X
Hawkins, Marion					X
Lee, Merilyn					X
Scott, George					X
Morford, McKean					X
Wells, Maryann					X
Sulenes, Frank					X
Boutelle, Chris					X
McClure, George					X
Kerr, Douglas					X
Moustafa, Saad					X
Wanguri, Peter					X X
Nace, A. George					X
Lewis, Sylvia					X X
Rebholz, Gary					X X
Deacon, Robert					X X
Davis, Daphne					X X
Ehrich					X
Hulst, Linda					X
Johnson, R.					X
Johnson, V.					X
Blubaugh, Glenn					X
Mavinder, Peggy					X
Sh... Lucy					X
Oramu, Worku					X
rightwell, Keith					X X

Name	1967-68			1968-69			1969-70			1970-71			1971-72				
	Su.	F	W	S	Su.	F	W	S	SU.	F	W	S	SU.	F	W	S	Su.
Middleton, Naylor	x					x	x	x									
Sherwood	x																
Simmons, Gilbert	x	x	x														
Wolvers	x	x	x														
Sheppard, Don	x	x				x	x										
Bestor		x															
Daniel, G.		x	x			x	x			x							
Tennison		x	x			x		x									
Trolson		x	x														
Van Druff, John		x															
Anderson, Lennard		x	x				x										
Bergeson		x	x				x										
Gorsuch		x	x					x									
Middaugh, Marie		x	x	x				x	x			x					
Schartow		x	x					x									
Srail		x	x					x									
Strickland		x						x									
Booth			x	x													
Douglas, R.			x														
Varnell, James			x														
Ames, Sylvia			x				x										
Bleser, Caroline			x														
Combs, J.			x														
Brower, Olive			x														
Miller, Phoebe			x														
Chiozor, G.			x			x	x	x									
Bruce, Thomas						x	x										
Chatman, Ed					x	x	x										
Evans, Marvin						x											
Gustafson, Ed						x	x	x	x								
Harwick, Paul						x	x										
Huterman, D.						x											
Lockhart, I.						x											
Loth, Don						x											
Mulholland, H.						x											
McIntyre, Gene						x											
Rowlands, Dave						x											
Silverman, Elsa						x											
Smiler, Sheryl						x			x								
Steere, Edith						x	x										
Streeter, Kimo						x	x	x									
Wiley, Ken						x		x									
Witknowski, Dick						x	x	x									
Bray, Keve							x										
Brown, Bill							x										
Colby, Gertrude							x	x									
Conolly, R.							x										
Dixon, Tom							x										
Fay, Charles							x	x									
Fucht, Lee							x										
Morgan, Charles							x	x									
Netto, Filis							x										
Schmid, Carl							x										
Smith, Wallace							x	x				x					
Atkinson, Robert								x									
Wolter, Mary Jane								x									
Haynes, Dr. Don								x									
Jacobs, Ed								x									
Robbins, Richard								x									
Zittel, Charles								x									
Holl, Janet					x												
Crosby, Alfred									x								
Morrell, Crista									x								
Woodland, Bert					x				x								
Haase, Sylvia	x																
Shaff, Don	x																
Fohn, Ed					x												
Lowther, J. Stewart												x			x		
Mogg, Richard					x												
Clark, Sonja												x					



Tacoma Community College

5900 SOUTH 12TH STREET
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February 14, 1972

Both the staff of the Collegiate Challenge and the Government of the Associated Students of Tacoma Community College sincerely apologize to those who were offended by the language and content of poetry printed in the February 4 issue of the Collegiate Challenge.

It was not the intent of the Collegiate Challenge to offend anyone. It was the intent of the staff to give voice to opinions and beliefs held by a significant number of people in our society.

There is a certainty that a publications board, charged with responsibility for setting policy and guidelines for content of the student newspaper, will be established by the Student Senate on February 15. This board will be composed of students, faculty members, and representatives of the public.

In addition, we have set in motion an effort to develop broadly applicable policies governing student newspapers in all Washington community colleges. This matter is to be considered by the Student Personnel Commission of the Washington Association of Community Colleges.

In conclusion, the Collegiate Challenge staff and the Government of the Associated Students of Tacoma Community College wish to assure the public that measures will be taken to prevent recurrences of such an unfortunate incident.

Steve Whitbeck, President
Associated Student Body

Cheryl Doten, Editor
Collegiate Challenge