

Benton County, Decision 7222 (PECB, 2000)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of: )  
KENNETH DENN ) CASE 15439-E-00-2570  
Involving certain employees of: ) DECISION 7222 - PECB  
BENTON COUNTY ) ORDER OF DISMISSAL  
\_\_\_\_\_ )

On October 20, 2000, Kenneth Denn filed a petition for investigation of a question concerning representation with the Commission under Chapter 391-25 WAC, seeking decertification of the Washington State Council of County and City Employees (WSCCCE) from its status as exclusive bargaining representative of certain employees of Benton County (employer). Initial review of the petition suggested that it was procedurally defective, and a deficiency notice was sent to the parties on November 1, 2000.

The first apparent defect was that the petition appeared to seek a "severance decertification", removing only some of the employees in the existing bargaining unit from representation by the WSCCCE. While the petition indicated that only seven employees were involved in the bargaining unit described as "information system technicians", close examination of the collective bargaining agreement filed with the petition readily disclosed that the petitioned for employees are only a portion of the employees covered by that contract. Under well-established Commission precedent, a "decertification" petitioner must take the existing bargaining unit as they find it, and cannot decertify only a portion of an existing bargaining unit. City of Seattle, Decision

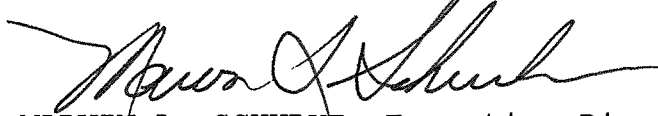
1229-A (PECB, 1982); Valley General Hospital, Decision 1333 (PECB, 1982) ; City of Seattle, Decision 2611 (PECB, 1987) ; and City of Seattle, Decision 2612 (PECB, 1987).

Another apparent defect concerned the showing of interest filed in support of the petition, which was in the form of a multi-signature document. WAC 391-25-110 requires that a petition be accompanied by a showing of interest consisting of "original or legible copies of **individual cards or letters** signed and dated by employees in the bargaining unit claimed appropriate". [Emphasis by **bold** supplied.]

The petitioner was given a period of 14 days to show cause why the petition should not be dismissed. No response has been received from the petitioner. The petition must be DISMISSED.

Issued at Olympia, Washington, on the 21st day of November, 2000.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under WAC 391-25-660.