

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
)	
JANINE BEGHTOL)	CASE 16897-E-02-2786
)	
Involving certain employees of:)	DECISION 7926 - PECB
)	
YAKIMA COUNTY)	ORDER OF DISMISSAL
)	
)	

Janine Beghtol, pro se.

Rod Light, Police Lieutenant, for the employer.

Tom Barrington, Business Representative, for the incumbent intervenor, Washington State Council of County and City Employees.

On November 7, 2002, Janine Beghtol filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission under Chapter 391-25 WAC, seeking decertification of the Washington State Council of County and City Employees (union) as exclusive bargaining representative of corrections officers employed by the City of Yakima (employer). The petition was accompanied by a copy of the current collective bargaining agreement between the employer and the union, which is effective for the period from January 1, 2001, through December 31, 2002.

The petition appeared to be untimely under the Commission's rules, and a deficiency notice issued on December 4, 2002, pointed out that defect. The petitioner was given until December 18, 2002, to show good cause why the petition should not be dismissed as untimely. To date, the petitioner has not responded.

DISCUSSION

RCW 41.56.070 creates a "contract bar" which is restated in the Commission's rules as follows:

WAC 391-25-030 PETITION--TIME FOR FILING. (1) A "contract bar" exists while a valid collective bargaining agreement is in effect, so that a petition involving any or all of the employees covered by the agreement will be timely only if it is filed during the "window" period not more than ninety nor less than sixty days prior to the stated expiration date of the collective bargaining agreement.

The "window" period of the current collective bargaining agreement expiring on December 31, 2002, was from October 3, 2002, through November 1, 2002. The petition in this case was filed after the close of that window period, and must be dismissed.

NOW, THEREFORE, it is

ORDERED

The petition for investigation of a question concerning representation filed in the above-captioned matter is DISMISSED as untimely.

Issued at Olympia, Washington, on the 19th day of December, 2002.

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.