

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
)	
ROBERT VEZZETTI)	CASE 17862-E-03-2884
)	
Involving certain employees of:)	DECISION 8304 - PSRA
)	
WASHINGTON STATE DEPARTMENT)	
OF AGRICULTURE)	ORDER OF DISMISSAL
)	
)	

On May 28, 2003, Robert Vezzetti, filed a petition for investigation of a question concerning representation with the Commission under Chapter 391-25 WAC, seeking decertification of the Washington Public Employees Association (WPEA) as exclusive bargaining representative of the food safety officer 1, 2 & 3 within the Washington State Department of Agriculture.

A letter was sent to the petitioner on October 21, 2003, noting several defects that prevented further processing of the case. The petition appeared to be deficient for several reasons.

1. The petitioner claimed the "food service 1, 2 & 3" should be excluded from the unit as supervisors. The representation process is not the appropriate petition to clarify a bargaining unit to exclude supervisors. A unit clarification petition can only be filed by the employer, incumbent union or jointly filed by both the employer and incumbent union. See WAC 391-35-010.
2. If the petition was seeking to decertify the WPEA as exclusive bargaining representative of only the "food service 1, 2 & 3",

there were several problems associated with the petition as filed.

- A. The petition appeared to seek a "severance decertification" affecting only employees in the classification of "food service 1,2 & 3" which have historically been within a larger unit described in RU-609. A decertification petitioner must take the unit as he or she finds it, and Commission precedent precludes processing of a "severance decertification" petition.
- B. The petition was not accompanied by a showing of interest conforming to the requirements of WAC 391-25-110 which states . . . The showing of interest shall be furnished under the same timeliness standards applicable to the petition, and *shall consist of original or legible copies of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed to be appropriate.* (Emphasis added.)
- C. There was a question of whether the petition was timely filed. If there is a valid contract in place covering the petitioned-for employees, WAC 391-25-036 creates a "contract bar" which is restated in the Commission's rules as follows:

WAC 391-25-036 Special provision-State civil service employees. For state civil service employees: (1) the "window" period specified in WAC 391-25-030(1) shall be computed as not more than one hundred twenty nor less than ninety days prior to the state expiration date of the collective bargaining agreement.

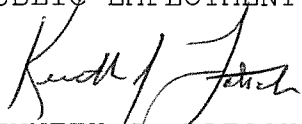
The petitioner was given a period of 10 days in which to show cause why the petition should not be dismissed as procedurally defective. To date, the petitioner has not responded and therefore, the petition must be dismissed.

ORDERED

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

Issued at Olympia, Washington on the 1st day of December, 2003.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Kenneth J. Latsch", written over the printed name.

KENNETH J. LATSCH, Operations Manager

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.