

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
)	
DEBRA FEATHERLY)	CASE 18959-E-04-3015
)	
Involving certain employees of:)	DECISION 8795 - PECB
)	
OKANOGAN COUNTY)	ORDER OF DISMISSAL
)	
)	

On November 2, 2004, Debra Featherly filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission, seeking decertification of the Washington State Council of County and City Employees (WSCCCE) as exclusive bargaining representative of certain employees employed by Okanogan County. The petition was accompanied by the current collective bargaining agreement between the employer and WSCCCE, which indicated the contract is effective through December 31, 2004.

The petition appeared to be untimely under WAC 391-25-036. A deficiency notice issued on November 16, 2004, pointing out the apparent defect and giving the petitioner until November 30, 2004, to show good cause why the petition should not be dismissed as untimely.

The petitioner responded to the show cause letter on November 29, 2004, stating that the petition was filed on the 60th day prior to the end of the current contract, asserting that the petition should be considered timely filed.

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 was October 3, 2004 through November 1, 2004. The petition was filed on the 60th day before contract expiration, and so filed within the protected period provided by law for the incumbent union and employer to negotiate a successor agreement. The petition 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.

Issued at Olympia, Washington, on the 15th day of December, 2004.

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.