

City of Seattle, Decision 8796 (PECB, 2004)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:	)	
	)	
KEVIN BLADES and KIM GENTRY	)	CASE 18958-E-04-3014
	)	
Involving certain employees of:	)	DECISION 8796 - PECB
	)	
CITY OF SEATTLE	)	ORDER OF DISMISSAL
	)	
	)	

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On November 2, 2004, Kevin Blades and Kim Gentry filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission, seeking decertification of the International Brotherhood of Electrical Workers, Local 46 as exclusive bargaining representative of certain employees employed by City of Seattle. The petition was accompanied by the appendix section of the current collective bargaining agreement between the employer and IBEW, which indicated the contract is effective through December 31, 2004.

The petition appeared to be untimely under the Commission's rules, and a deficiency notice issued on November 16, 2004, pointed out that defect. The petitioner was given until November 30, 2004, 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 was October 3, 2004 through November 1, 2004. 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 7th 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.