

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
)	
EAST WENATCHEE POLICE OFFICERS)	CASE 18530-E-04-2952
)	
Involving certain employees of:)	DECISION 8639 - PECB
)	
CITY OF EAST WENATCHEE)	
)	ORDER OF DISMISSAL
)	
)	
)	

On May 17, 2004, the East Wenatchee Police Officers filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission under Chapter 31-25 WAC, seeking to change representation of commissioned officers of the City of East Wenatchee.

A routine letter was mailed to the employer requesting of list of employees. On June 9, 2004, the employer responded with a copy of the current collective bargaining agreement between Teamsters, Local 760 and the employer. That contract is effective January 1, 2002 through December 31, 2004.

The petition appeared to be untimely under the Commission's rules, and a deficiency notice issued on June 17, 2004, pointed out that defect. The petitioner was given until June 28, 2004, to show good cause why the petition should not be dismissed as untimely. The petitioner responded stating its intention to refile its petition in October, but it did not expressly withdraw the petition now before the Commission.

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 state expiration date of the collective bargaining agreement.

The "window" period for the current collective bargaining agreement that expires December 31, 2004, is October 4, 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 as untimely.

Issued at Olympia, Washington, on the 30th day of June, 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.