STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
RICHARD WHITE)	CASE 20771-E-06-3202
Involving certain employees of:))	DECISION 9544 - PECE
PACIFIC TRANSIT)	ORDER OF DISMISSAL
)	

On November 21, 2006, Richard White filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission, seeking decertification of the Amalgamated Transit Union, Local 1384 (ATU) as exclusive bargaining representative of certain employees employed by Pacific Transit.

A routine letter was sent to the employer, requesting a list of the employees involved and a copy of any current or recently-expired collective bargaining agreement covering those employees. The employer responded on December 7, 2006, supplying a copy of the current collective bargaining agreement between ATU and the employer. That contract is effective from January 1, 2004 through December 31, 2006.

The petition appeared to be untimely under the Commission's rules, and a deficiency notice was issued on December 8, 2006, pointing out that defect. The petitioner was given until December 22, 2006, to show good cause why the petition should not be dismissed as untimely. To date, the petitioner has not filed a response.

ISSUE

The sole issue to be determined at this time is whether the representation petition was timely filed.

Applicable Legal Principles

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 the ninety nor less than sixty days prior to the stated expiration date of the collective bargaining agreement...(3) Where neither a "contract bar" nor a "certification bar" is in effect under this section, a petition may be filed at any time.

The "window period" for the current collective bargaining agreement was October 3, 2006 through November 1, 2006. The petition in this case was filed after the window period, and must be dismissed. A valid petition could be filed after the expiration date of the contract if a new contract has not been ratified by the parties.

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 8th day of January, 2007.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

CATHLEEN CALLAHAN, 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.