Lewis County Public Transportation Benefit Area, Decision 9162 (PECB, 2004)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
FRANK L. STEINER)	CASE 19830-E-05-3104
Involving certain employees of:)	DECISION 9162 - PECB
LEWIS COUNTY PUBLIC TRANSPORTATION	·)	
BENEFIT AREA)	ORDER OF DISMISSAL
)	

On October 4, 2005, Frank L. Steiner 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 Lewis County Public Transportation Benefit Area. The petition was accompanied by the current collective bargaining agreement between the employer and ATU, which indicated the contract is effective through May 17, 2006. The petition appeared to be untimely under WAC 391-25-030.

A deficiency notice issued on October 26, 2005, pointing out the defect in the representation petition. The petitioner was given until November 7, 2005, 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 is February 17, 2006 through March 17, 2006. The petition in this case was filed before the window period, and 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 9th day of November, 2005.

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.