

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:	)	
	)	
BUCKLEY POLICE GUILD	)	CASE 20897-E-07-3221
	)	
Involving certain employees of:	)	DECISION 9598 - PECB
	)	
CITY OF BUCKLEY	)	ORDER OF DISMISSAL
	)	
	)	

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On February 2, 2007, Buckley Police Guild filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission, seeking a change of representation for corrections officers and dispatchers of the City of Buckley. The petition was accompanied by a copy of the current collective bargaining agreement between the employer and Teamsters Union, Local 117,. That contract is effective from April 1, 2004 through March 31, 2007.

The petition appeared to be untimely under the Commission's rules, and a deficiency notice was issued on February 8, 2007, pointing out that defect. The petitioner was given until February 22, 2007, 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 January 1, 2007 through January 30, 2007. The petition in this case was filed after the window period, and must be dismissed.

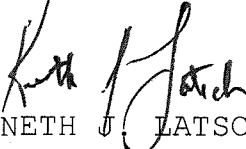
NOW, THEREFORE, it is

ORDERED

The petition for investigation of a question concerning representation filed in the above-captioned matter is DISMISSED.

Issued at Olympia, Washington, on the 26th day of February, 2007.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
KENNETH J. LATSCH, Operations Manager

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.