

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)
DAROLD E. JOHANN) CASE 20316-E-06-3141
Involving certain employees of:) DECISION 9313 - PECB
CITY OF GRANGER) ORDER OF DISMISSAL
_____)

On April 5, 2006, Darold E. Johann filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission, seeking decertification of the Granger Police Uniformed Officers Guild (union) as exclusive bargaining representative of certain employees of the City of Granger (employer). Review of the Commission records indicated that the union was certified as exclusive bargaining representative on June 29, 2005, so the petition appeared to be untimely under WAC 391-25-030.

A deficiency notice was issued on April 19, 2006, pointing out the defect in the representation petition. The petitioner was given until May 1, 2006, to show cause why the petition should not be dismissed as untimely. To date, the petitioner has not responded.

DISCUSSION

RCW 41.56.070 creates a "certification bar" which is restated in the Commission's rules as follows:

WAC 391-25-030 PETITION--TIME FOR FILING. (2) A "certification bar" exists where a certification has been

issued by the agency, so that a petition involving the same bargaining unit or any subdivision of that bargaining unit will only be timely if it is filed:

(a) More than twelve months following the date of the certification of an exclusive bargaining representative . . .

The certification issued On June 29, 2005 as *City of Granger*, Decision 8977-A (PECB, 2005) bars the petition in this case.


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 3rd day of May, 2006.

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.