STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)
BETH TERRELL AND BOB LADOU) CASE 22394-E-09-3456
Involving certain employees of:) DECISION 10371 - PSRA
UNIVERSITY OF WASHINGTON	ORDER OF DISMISSAL
)

On April 13, 2009, Beth Terrell and Bob Ladou filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission, seeking decertification of the Washington Federation of State Employees (WFSE) for the laboratory technicians of the University of Washington. The petition was accompanied by the current collective bargaining agreement between the employer and WFSE, which indicated the contract is effective July 1, 2007 through June 30, 2009.

The petition appeared to be untimely under the Commission's rules, and a deficiency notice was issued on April 14, 2009, pointing out that defect. The petitioner was given until April 24, 2009, to show good cause why the petition should not be dismissed as untimely. To date, the petitioner has not filed a response.

<u>ISSUE</u>

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

Applicable Legal Principles

RCW 41.80.080(4)(b) creates a "contract bar" which is restated in the Commission's rules as follows:

WAC 391-25-036 Special provision-State civil service employees. For state civil service employees: (1) the "window" period specified in WAC 391-25-030(1) shall be computed as not more than one hundred twenty nor less than ninety days prior to the stated expiration date of the collective bargaining agreement.

The "window period" for the current collective bargaining agreement was March 3, 2009 through April 1, 2009. 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 29th day of April, 2009.

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.