

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)
)
WASHINGTON STATE COUNCIL OF)
COUNTY AND CITY EMPLOYEES) CASE 16949-E-02-2793
)
Involving certain employees of:) DECISION 8032 - PECB
)
CITY OF VANCOUVER) ORDER DENYING MOTION
) FOR DISMISSAL
)
_____)

On November 21, 2002, the Washington State Council of County and City Employees (WSCCCE) filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission under Chapter 391-25 WAC, involving certain office-clerical employees of the City of Vancouver (employer). Office and Professional Employees International Union, Local 11 (OPEIU) is the incumbent exclusive bargaining representative of a bargaining unit of office-clerical employees of the employer.

On March 12, 2003, the WSCCCE forwarded a letter it had received from the employer on March 10, 2003, in which the employer asserted that it had received a request from the OPEIU for voluntary recognition as exclusive bargaining representative of the petitioned-for employees before the WSCCCE filed its petition. The employer's letter has been treated as a motion for dismissal of the petition filed by the WSCCCE.

Dismissal cannot be granted. While voluntary recognition is available as a method to establish a bargaining relationship under Chapter 41.56 RCW, any question concerning representation must be

submitted to and resolved by the Commission. RCW 41.56.050. Even if recognition had been granted before the petition was filed, WAC 391-25-030(2) does not recognize a "recognition" as equating with a certification.

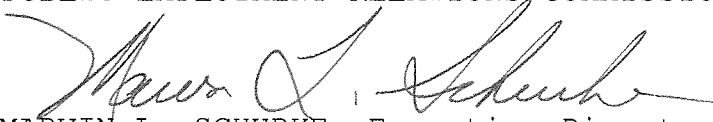
NOW, THEREFORE, it is

ORDERED

1. The motion for dismissal of the petition for investigation of a question concerning representation is DENIED.
2. The case is remanded to the Hearing Officer for further proceedings under Chapter 391-25 WAC.

Issued at Olympia, Washington, on the 14th day of April, 2003.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

This order may be appealed by filing timely objections with the Commission under WAC 391-25-590.