

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:	)	
	)	
NEWPORT POLICE OFFICERS	)	
ASSOCIATION	)	CASE 16408-E-02-2717
	)	
Involving certain employees of:	)	DECISION 7952-A - PECB
	)	
CITY OF NEWPORT	)	ORDER OF DISMISSAL
	)	
	)	

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*Lee G. Bennett*, Acting Police Chief, for the union.

*Thomas A. Metzger*, Deputy Prosecuting Attorney, and *Duane Wilson*, Labor Relations Consultant, for the employer.

On May 23, 2002, the Newport Police Officers Association (union) filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission under Chapter 391-25 WAC, seeking certification as exclusive bargaining representative of law enforcement officers employed by the City of Newport (employer). At an investigation held on July 3, 2002, the parties framed issues that required resolution prior to determining a question concerning representation. A hearing was held on August 28, 2002 and an order directing a cross-check was issued on January 7, 2003.

When the representation coordinator contacted the employer to obtain the signatures of the eligible employees for the cross-check, the employer noted employment changes in the bargaining unit since the hearing:

- Robert McKraig is no longer employed with the City;

- Clark William is no longer the police chief; and
- Lee Bennett is now the acting police chief.

The change of status called into question the validity of the representation petition in question, since Mr. Bennett signed the petition and is now excluded as a supervisor. The petitioner was given a period of 14 days to show cause why the petition should not be dismissed as procedurally defective. To date, there has been no response.

In *Kitsap County*, Decision 2116 (PECB, 1984), the petition was found to be procedurally defective, having be initiated by a supervisor of employees in the petitioned-for bargaining unit. The petition 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 as procedurally defective.

Issued at Olympia, Washington, on the 25th day of February, 2003.

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.