

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:	)	
	)	
SAM STEIDER	)	CASE 21258-E-07-3298
	)	
Involving certain employees of:	)	DECISION 9870 - PECB
	)	
WHITE SALMON VALLEY SCHOOL	)	
DISTRICT	)	ORDER OF DISMISSAL
<hr/>	)	

On September 20, 2007, Sam Steider filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission, seeking decertification of the Public School Employees of Washington (union) as exclusive bargaining representative of the classified employees of the White Salmon Valley School District (employer). Review of the Commission records indicated that the union was certified as exclusive bargaining representative on September 28, 2006, so the petition appeared to be untimely under WAC 391-25-030.

A deficiency notice was issued on September 27, 2007, pointing out the defect in the representation petition. The petitioner was given until October 10, 2007, to show cause why the petition should not be dismissed as untimely. The petitioner did not respond to the show cause letter but filed a new representation petition on October 1, 2007. That petition is timely filed and is currently being processed.

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 September 28, 2006, as *White Salmon Valley School District*, Decision 9444 (PECB, 2006) 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 10th day of May, 2007.

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.