

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 14743-C-99-00945
	)	
For clarification of an existing	)	DECISION 6920 - PECB
bargaining unit of employees of:	)	
	)	
SPOKANE COUNTY	)	ORDER OF DISMISSAL
	)	
_____	)	

On August 12, 1999, the Washington State Council of County and City Employees (union) filed a petition with the Commission under Chapter 391-35 WAC, seeking to have a supervisor in the employer's Safety/Loss Department included in a county-wide bargaining unit of supervisors represented by the union. A deficiency notice sent to the parties on October 29, 1999, identified certain problems with the petition as filed, and called for a response within a specified period of time. There has been no response to that deficiency notice.

Based on the documents on file, the Executive Director concludes that the petition filed in the above-captioned matter should be dismissed as untimely.

DISCUSSION

The Commission's deficiency notice indicated that the petition did not appear to comply with WAC 391-35-020, which sets forth timeliness standards for unit clarification petitions as follows:

WAC 391-35-020 PETITION--TIME FOR FILING.

...

(2) **Where there is a valid written and signed collective bargaining agreement in effect**, a petition for clarification of the covered bargaining unit filed by a party to the collective bargaining agreement will be considered timely only if:

(a) **The petitioner can demonstrate, by specific evidence, substantial changed circumstances during the term of the collective bargaining agreement** which warrant a modification of the bargaining unit by inclusion or exclusion of a position or class ;or

(b) **The petitioner can demonstrate that, although it signed the current collective bargaining agreement covering the position or class at issue in the unit clarification proceedings:**

(i) **It put the other party on notice during negotiation that it would contest the inclusion or exclusion of the position or class via the unit clarification procedure;** and

(ii) **It filed the petition for clarification of the existing bargaining unit prior to signing the current collective bargaining agreement. ...**

[Emphasis by **bold** supplied.]

While the deficiency notice further stated the facts alleged in the petition were presumed to be true and provable at that stage of the proceedings, it pointed out that they were incomplete.

The petition acknowledged that the parties had a "closed" contract at the time the petition was filed, but it alleged that the supervisor in the Safety/Loss Department wanted to be a part of the bargaining unit. The petition did not allege either: (1) that a change of circumstances has occurred since the parties' signed their contract; or (2) that the petition was being filed in advance

of signing a successor contract as the result of negotiations in which the unit determination issue was raised and discussed. Thus, the petition lacked sufficient facts to form a conclusion that it was timely filed under WAC 391-35-020(2).

The union was given 14 days to file an amended petition supplying the needed information. Nothing further has been received from the union.

NOW, THEREFORE, it is

ORDERED

The petition for clarification of an existing bargaining unit filed in the above-captioned matter is DISMISSED for failure to comply with the governing provision(s) of the Washington Administrative Code.

Issued at Olympia, Washington, on the 22<sup>nd</sup> day of December, 1999.

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 391-35-210.

# PUBLIC EMPLOYMENT RELATIONS COMMISSION

603 EVERGREEN PLAZA BUILDING  
P. O. BOX 40919  
OLYMPIA, WA 98504-0919

MARILYN GLENN SAYAN, CHAIRPERSON  
SAM KINVILLE, COMMISSIONER  
JOSEPH W. DUFFY, COMMISSIONER  
MARVIN L. SCHURKE, EXECUTIVE DIRECTOR

## RECORD OF SERVICE

THE ATTACHED DOCUMENT, IDENTIFIED AS: DECISION 6920 - PECB HAS BEEN SERVED BY THE PUBLIC EMPLOYMENT RELATIONS COMMISSION BY DEPOSIT IN THE UNITED STATES MAIL, ON THE DATE ISSUED INDICATED BELOW, POSTAGE PREPAID, ADDRESSED TO THE PARTIES AND THEIR REPRESENTATIVES LISTED IN THE DOCKET RECORDS OF THE COMMISSION AS INDICATED BELOW:

PUBLIC EMPLOYMENT RELATIONS COMMISSION

BY: /S/ *Betty Passmore*  
BETTY PASSMORE

CASE NUMBER: 14743-C-99-00945 FILED: 08/12/1999 ISSUED: 12/22/1999  
FILED BY: PARTY 2 DISPUTE: COMMUNITY INT DETAILS: Supervisor (1) issue

### COMMENTS:

Employer: SPOKANE COUNTY  
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Rep by:

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