

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
)	
VANCOUVER EDUCATION ASSOCIATION)	CASE 20513-C-06-1274
)	
For clarification of an existing)	DECISION 9525 - EDUC
bargaining unit of employees of:)	
)	
VANCOUVER SCHOOL DISTRICT)	ORDER OF DISMISSAL
)	
)	

The Vancouver Education Association (union) filed the above-referenced petition for clarification of bargaining unit with the Public Employment Relations Commission on July 10, 2006. The union represents a bargaining unit of nonsupervisory certificated employees. In its petition, the union requested that the Commission rule on the rights of the school district to reassign employees to different teaching positions based on their performance in a coaching position.

The petition was reviewed under WAC 391-35-020.¹ A deficiency notice issued on August 16, 2006, indicated that unit clarification proceedings are limited to the bargaining unit placement or status of particular employees, or to the existence of an appropriate bargaining unit. It also noted that unit clarification proceedings are not the proper forum for ruling on the validity of a clause contained in a collective bargaining agreement. The deficiency notice further indicated that such issues are normally resolved

¹ At this stage of the proceedings, the question at hand is whether the petition states a claim for relief available through unit clarification proceedings before the Public Employment Relations Commission.

through the bargaining process (where a party that believes contract language is unlawful makes a demand to bargain that language), through the grievance arbitration process (whereby a party enforces the contract), or through the unfair labor practice procedures of the appropriate statute (whereby a party attacks an illegal contract provision).

The deficiency notice advised the union that an amended petition could be filed and served within 21 days following the date of the notice, and that any materials filed as an amended petition would be reviewed under WAC 391-35-020 to determine if they presented an issue that could be processed in a unit clarification proceeding. The union was advised that the petition would be dismissed in the absence of a timely actionable amendment. Nothing further has been received from the union.

NOW, THEREFORE, it is

ORDERED

The petition for clarification of bargaining unit in the above-captioned matter is DISMISSED as procedurally deficient.

ISSUED at Olympia, Washington, this 22nd day of December, 2006.

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 391-35-210.