

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:	)	
CHARLES A. TIMBLIN	)	CASE NO. 1650-DR-78-15
for de-authorization election in	)	
a bargaining unit of employees of:	)	DECISION NO. 494-PECB
CITY OF SEATTLE.	)	ORDER OF DISMISSAL
	)	
	)	

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APPEARANCES:

ROBERT F. GORE, staff attorney, National Right To Work Legal Defense Foundation, for the petitioner.

STEPHEN DiJULIO, assistant city attorney, for the employer.

RUSSELL J. REID, attorney at law, for Teamsters Local 882 and Joint Crafts Council, incumbent exclusive bargaining representative.

On August 15, 1978, the petitioner filed a petition supported by 23 employees out of a claimed bargaining unit of 41 employees of the City of Seattle, requesting an election to determine whether or not the employees wish to withdraw the authority of Teamsters Local 882 and the employer to require union membership as a condition of employment. In the absence of any Washington Administrative Code rules governing the conduct of such an election or authorizing the Executive Director or agency staff to act on such a petition, the matter was set for hearing before the full Commission.

The matter was heard by the Commission on September 7, 1978. The parties were represented by counsel and were afforded an opportunity to adduce evidence and make their positions known to the Commission. The petitioner infers a requirement for both authorization and deauthorization elections under RCW 41.56 from the union security provisions of RCW 41.06.150. The incumbent representative denies that the Commission has authority to conduct deauthorization proceedings, and further claims that the bargaining unit includes in excess of 1000 employees

The union security provision of our law (RCW 41.56.122(1)) was enacted independently of the union security amendments to the state civil service law. The two laws take markedly different approaches to union security. Whereas RCW 41.56 makes union security a matter for the collective bargaining process and appears to allow a variety of union security arrangements, the union security arrangement spelled out in the state civil service law contemplates a single form of union security which exists independent of the bargaining process or any collective bargaining agreement. There is no provision in RCW 41.56 which allows the Commission to invade the collective bargaining process or agreement by running a de-authorization election. The petition is dismissed.

DATED this 28<sup>th</sup> day of September 1978.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Mary Ellen Krug  
MARY ELLEN KRUG, Chairman

Paul A. Roberts  
PAUL A. ROBERTS, Commissioner

This order confirms the action of the Commission done in public meeting on September 7, 1978. Commissioner Michael H. Beck, whose term has since expired, participated at that time and concurred in the decision.