

DANIEL J. EVANS  
Governor



PHILIP K. KIENAST  
Chairman

STATE OF WASHINGTON

## PUBLIC EMPLOYMENT RELATIONS COMMISSION

SEATTLE OFFICE  
300 West Harrison  
Seattle, Washington 98119

Case No 234 DEW 146

April 28, 1976

Decision No. 50 PECB

Mr. Floyd G. Sutherland  
P. O. Box 103  
Seabeck, Washington 98350

Dear Mr. Sutherland:

This is in reply to your letter of April 19, 1976 wherein you request ". . . decertification from the Building Trades Council and all contracts between the Building Trades Council, the Service Employees Union No. 262 and the Bremerton Housing Authority being cancelled . . ." As to the latter part of your request, this Commission has no authority whatever to "cancel" any collective bargaining agreement.

As to decertification, the Commission does have jurisdiction over this matter but must follow the procedures set forth in the statute and the rules adopted thereunder. In my letter to you of March 29, 1976, I specifically called your attention to the rule on Decertification (WAC 391-20-140, page 23) and enclosed a copy of same. The above-mentioned letter was in response to your phone call by which we were first made aware that you desired to decertify. That rule requires "individual, signed and dated statements" and thus your most recent petition would not be acceptable in its present form.

But most important of all, we have received a copy of the current Collective Bargaining Agreement between the Olympic Peninsula Building and Construction Trades Council and Bremerton Housing Authority. The contract has an effective date of April 1, 1976 to April 1, 1977. The above-quoted rule on Decertification states that "The petition must be timely filed . . ." The Public Employees' Collective Bargaining Act provides a "contract bar" to raising the question of representation. RCW 41.56.070 (page 4 of your blue book) states that "Where there is a valid collective bargaining agreement in effect, no question of representation may be raised except during the period not more than ninety nor less than sixty days prior to the expiration date of the agreement."

Inasmuch as the contract expires next April 1, you could submit a properly supported, timely petition during the month of January, 1977. But the Commission has no alternative except to dismiss your most recent petition as not being timely.

Sincerely,

*Willard G. Olson*  
Willard G. Olson  
Associate Chief Labor Mediator

UGO:je  
cc: Mr. Marvin L. Schurke  
Mr. Vic Bober  
Mr. Jack Wheeler

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SEATTLE OFFICE  
300 West Harrison  
Seattle, Washington 98119

March 29, 1976

Mr. Floyd G. Sutherland, Shop Steward  
Service Employees Union 262  
P.O. Box 103  
Seabeck, Washington 98350

Dear Mr. Sutherland:

In response to your telephone calls, I have investigated the status of what you referred to as a "decertification" petition. I find that the case has been inactive because the petition was not clear that it was intended to effectuate a decertification. Further, the petition was not accompanied by any supportive evidence as required by the statute and the rules. This Commission, therefore, has no alternative except to dismiss your petition.

I am enclosing a copy of the Public Employees' Collective Bargaining Act, RCW 41.56, and the rules adopted thereunder, WAC 391-20, for your information and convenience. The rule regarding Decertification is WAC 391-20-140 and appears on page 23.

Sincerely,

A handwritten signature in cursive script that reads "Willard G. Olson".

Willard G. Olson  
Associate Chief Labor Mediator

WGO:st

cc: Mr. Vic Bober  
Mr. Jack Wheeler

Enc.