

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of)	
MERLE KOTZ,)	CASE NO. E-76-94 (459)
Involving certain employees of)	
NORTH OLYMPIC LIBRARY SYSTEM)	ORDER OF DISMISSAL
_____)	DECISION NO. 117 PECB

Merle Kotz, having, on September 7, 1976, filed a petition with the Washington Public Employment Relations Commission requesting the Commission conduct a de-authorization election in connection with the union security provision of a collective bargaining agreement between Teamsters Local Union No. 589 and the North Olympic Library System; and the Commission having established a date for the filing of briefs or arguments on the question of whether the Commission has the authority to conduct a de-authorization election in the bargaining unit involved; and, prior to any further action by the Commission, Teamsters Local 589, having informed the Commission, in writing, that it had disclaimed interest in continued representation of the affected bargaining unit; and the Commissioners having considered the matter, and being satisfied that there remains no justiciable issue to be resolved, and that the petition should be dismissed;

NOW, THEREFORE, IT IS

ORDERED

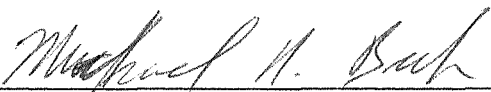
That the petition filed in the above-entitled matter be, and the same hereby is, dismissed.

DATED at Olympia, Washington, this 29th day of October, 1976.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



ROBERT B. ARKELL, Commissioner



MICHAEL H. BECK, Commissioner

MEMORANDUM ACCOMPANYING DECISION ON APPEAL

The petition in this matter was signed by 23 of the 28 employees in the bargaining unit involved. It seeks a de-authorization election along the lines contemplated in Section 9(e) of the Labor-Management Relations Act of 1947, as amended, to terminate the effectiveness of the union security provisions of a collective bargaining agreement existing between the employer and the union recognized as the exclusive representative of the employees. This particular collective bargaining relationship is governed by Chapter 41.56 RCW which authorizes union security agreements, 1/, but contains no provision precisely comparable to Section 9(e) of the LMRA. The Commission has adopted rules for the administration of Chapter 41.56 RCW, but those rules do not establish de-authorization procedures. In the absence of rules authorizing processing or disposition of the matter by agency staff, the matter was placed before the full Commission at its meeting held on September 20, 1976. At that time, an employee from among those who had joined in the petition appeared on behalf of the petitioners, the employer's labor relations consultant appeared and filed a brief on behalf of the employer, and the attorney for the Union made an appearance and requested a continuance of the matter. The Union indicated its desire and intent to oppose the petition in the instant matter as well as to oppose the adoption of any procedures for de-authorization of union security agreements.

1/ RCW 41.56.122(1)

In granting the request of the Union for a continuance in this matter, the Commission called for the submission of briefs or written arguments on the question of whether it has the authority to conduct a de-authorization election. Prior to the date established for the filing of such briefs or arguments, and on September 28, 1976, the Union notified the Commission, in writing, that it had disclaimed interest in any continued representation of the employees of the North Olympic Library System in which it had been certified as the exclusive representative by the Department of Labor and Industries. 2/ On October 6, 1976, the Commission received correspondence from Counsel for the Union which indicated that the Union:

(1) Has directly informed all affected employees that Teamsters Local 589 disclaims interest in continued representation of the bargaining unit affected by the petition of this matter;

(2) Has issued honorable withdrawal cards to all affected employees;

(3) Has in writing waived enforcement of Article III, Section 2, of the subject collective bargaining agreement;

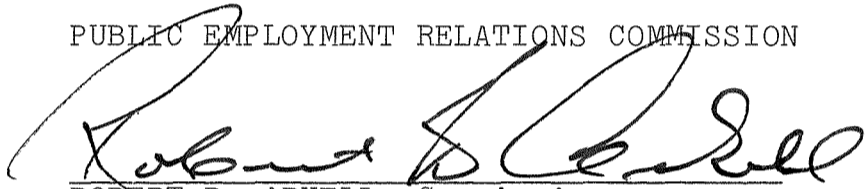
(4) Has informed the Commission and the Employer directly of its disclaimer of interest in continued representation of this bargaining unit.

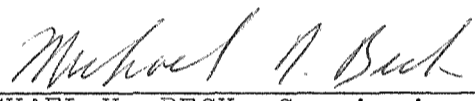
2/ Case No. 0-1366, May 29, 1973

Under these circumstances, the Commission concludes that this matter is moot and that the petition should be dismissed.

DATED at Olympia, Washington, this 29th day of October, 1976.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


ROBERT B. ARKELL, Commissioner


MICHAEL H. BECK, Commissioner