

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:	)	
ERIK NYBERG, et al.	)	CASE 10408-E-93-1717
Involving certain employees of:	)	DECISION 4461 - PRIV
ALKI HOMESTEAD RESTAURANT	)	ORDER OF DISMISSAL
_____	)	

On April 3, 1993, Erik Nyberg filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission. The petition sought to decertify Hotel Employees and Restaurant Employees, Local 8, as the exclusive bargaining representative of the employees of the Alki Homestead Restaurant, located in Seattle, Washington.

In a letter dated May 5, 1993, the Commission notified Mr. Nyberg of certain procedural defects with the petition, as filed. First, Mr. Nyberg was informed that the petition was not accompanied by an acceptable showing of interest. Second, a potential jurisdictional problem was raised, as follows:

Chapter 49.08 RCW authorizes the Commission to process and resolve some disputes arising out of labor-management relations in the private sector. As a private employer, the Alki Homestead Restaurant and your petition are governed by Chapter 49.08 RCW. Even if a sufficient showing of interest were to be submitted, WAC 391-25-299 provides, in pertinent part:

The commission lacks authority to proceed in representation disputes under chapter 49.08 absent the agreement of all parties. The executive director shall not proceed in such matters unless an agreement is

filed under WAC 391-25-230 or 391-  
25-250. ...

Mr. Nyberg was given 14 days in which to file a showing of interest in a form acceptable under the Commission's rules. Nothing further has been heard or received from Mr. Nyberg.

In a letter filed with the Commission on April 29, 1993, Hotel Employees and Restaurant Employees Union, Local 8, declined to submit to the Commission's jurisdiction in this case.

The Executive Director has considered the matter and concludes that the petition must be dismissed. The union's lack of concurrence in the proceedings would have been fatal to the petition even if a proper showing of interest had been filed.

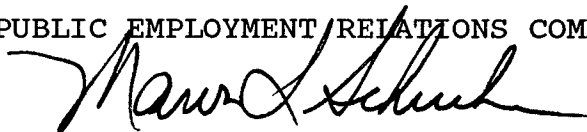
NOW, THEREFORE, it is

ORDERED

The petition for investigation of a question concerning representation filed in the above-captioned matter is hereby DISMISSED for lack of jurisdiction.

DATED at Olympia, Washington, this 10th day of August, 1993.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

This Order may be appealed by filing a petition for review with the Commission pursuant to WAC 391-25-390(2).