

about 44 employees in various employer departments. The contract was effective through December 31, 1994, so that the petition appeared to be untimely.

On August 5, 1994, the petitioner was informed that the petition appeared to be untimely under WAC 391-25-030, and was directed to show cause, within a specified time, as to why the petition should not be dismissed. The deadline for a response to the show cause directive was later extended to September 25, 1994.

On September 23, 1994, the petitioner responded with a claim that the existing bargaining unit had not been legally established, that it was a voluntarily adopted portion of the employer's carpenters bargaining unit, and that the building inspectors did not share any community of interest with or supervisory responsibilities over the carpenters. The petitioner also indicated a belief that the building inspectors had been conscripted into the larger bargaining unit at some point in time, without an election. The petitioner asserted that a June 11, 1968 letter from the employer to the union was the only documentation available pertaining to the representation of the building inspectors.

On October 14, 1994, prior to any ruling on the show cause directive in this proceeding, David Cordaro filed another representation petition with the Commission.¹ That petition sought to decertify the entire bargaining unit represented by Carpenters Local 131. That petition was timely filed under WAC 391-25-030.

The "decertification" petition has been processed at petitioner's request. The Building Inspectors of Seattle organization has not moved for intervention in that proceeding. At a pre-hearing conference held on November 17, 1994, the employer, the decertification petitioner and the incumbent exclusive bargaining represen-

¹ Case 11379-E-94-1874

tative all agreed to a mail ballot election to determine that question concerning representation.²

The entire case file in the above-captioned matter has been reviewed, and it is concluded that the petition must be dismissed.

First, the arguments advanced in response to the show cause directive appear to be unfounded. A copy of the letter cited by the petitioner has been provided by the employer, and it indicates that the City of Seattle agreed to recognize District Council of Carpenters as the exclusive bargaining representative of a bargaining unit consisting of building inspectors and craft carpenters.³ That information clearly does not support the petitioner's claim that the building inspectors were involuntarily accreted into a carpenters bargaining unit already in existence. The Commission's docket records disclose nothing to the contrary.⁴ The unfounded claim advanced in response to the show cause directive in this case is thus insufficient to avoid the effect of the "contract bar" rule of WAC 391-25-030.

Second, the proceedings in the above-captioned matter are superseded by the "decertification" affecting the entire existing bargaining unit. Only one question concerning representation may be determined within a year's time under WAC 391-25-030.

² Ballots to be mailed on November 30, 1994, and counted on December 14, 1994.

³ This employer and its employees are subject to the Public Employees' Collective Bargaining Act, Chapter 41.56 RCW. Although a different result might occur under the federal National Labor Relations Act if challenged by the craft employees, nothing in Chapter 41.56 RCW restricts or prohibits the inclusion of "craft" employees in bargaining units with other public employees.

⁴ Chapter 41.56 RCW was administered by the Department of Labor and Industries (L&I) from its inception in 1967 until the creation of the Commission in 1975. The L&I docket records transferred to the Commission pursuant to RCW 41.58.801 include no reference to the voluntary recognition in 1968.

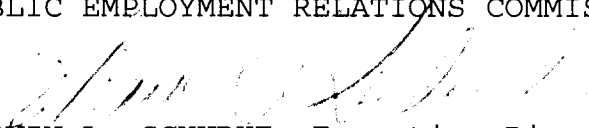
NOW, THEREFORE, it is

ORDERED

The petition for the investigation of a question concerning representation filed by the Building Inspectors of Seattle in the above-captioned matter is DISMISSED.

ISSUED at Olympia, Washington, this 16th day of December, 1994

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).