

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
)	
STEVE CRABTREE)	CASE 10732-E-93-1771
)	
Involving certain employees of:)	DECISION 4558 - PECB
)	
KITSAP COUNTY)	ORDER OF DISMISSAL
)	
)	

On October 20, 1993, Steve Crabtree filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission, seeking to decertify the Washington State Council of County and City Employees (union) as the exclusive bargaining representative of certain "facilities maintenance" employees of Kitsap County (employer). On November 16, 1993, the union moved for intervention in the proceedings and moved for dismissal of the petition as a "severance decertification" attempt.

Attached to the petition was a copy of the collective bargaining agreement in effect between the union and the employer for the period of January 1, 1991 through December 31, 1993. Examination of the collective bargaining agreement indicated that the union represents a bargaining unit consisting of employees in a number of departments, including Administrative Services, Assessor, Auditor, Central Communications, Clerk, Cooperative Extension, District Court, Prosecutor, and Treasurer. The petition sought decertification only as to employees classified as groundskeepers, maintenance assistants, maintenance mechanics, and maintenance technicians. It appears that the employees covered by the petition work in the Administrative Services Department, along with employees in a number of other bargaining unit classifications that are not covered by the petition. Based on that analysis of the petition

and contract, it appears that the union aptly characterizes this as a "severance decertification" situation.

The Commission has long held that a "decertification" petitioner must take the existing bargaining unit as they find it, and that a group of employees cannot decertify only a portion of an existing bargaining unit. See, City of Seattle, Decision 1229-A (PECB, 1982). Similarly, neither the employer nor an incumbent exclusive bargaining representative is entitled to use a decertification proceeding as the forum to make adjustments to the bargaining unit then in existence. In this case, the petitioner(s) seek to decertify the union only for a very small and discrete group that has historically been within a much larger bargaining unit. The petition must be dismissed.

ORDER

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

DATED in Olympia, Washington, this 16th day of December, 1993.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in dark ink, appearing to read 'Marvin L. Schurke', is written over the printed name.

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).