

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
)	
JUDY SCHAVE and MERRY MORGAN)	CASE 10731-E-93-1770
)	
)	DECISION 4606 - PECB
Involving certain employees of:)	
)	
CITY OF CHEHALIS)	ORDER OF DISMISSAL
)	
_____)	

On October 20, 1993, the above-named petitioners invoked the authority of the Public Employment Relations Commission, to determine a question concerning the representation under Chapter 41.56 RCW and Chapter 391-25 WAC. The petitioners sought the decertification of the Chehalis Employees Association for only a part of the bargaining unit that it historically represents.¹ Attached to the petition was a copy of a signed collective bargaining agreement between the City of Chehalis and the Chehalis Employees Association for the period January 1, 1993 to December 31, 1995.

¹ On July 1, 1992, an interim certification was issued as City of Chehalis, Decision 4123 (PECB, 1992), designating the Chehalis Employees Association as the exclusive bargaining representative of:

All full-time and regular part-time employees of the [City of Chehalis], excluding city manager, department heads, division head(s) in public works and community services, supervisory [sic] confidential employees, and all other represented employees.

A supplemental order issued on May 27, 1993, as City of Chehalis, Decision 4123-A (PECB, 1993) clarified the unit to include the "departmental assistant" in the Public Works Department, while excluding the "deputy city clerk", "court clerk" and the "departmental assistant" working in the Community Services Department.

In a letter dated December 9, 1993, the petitioners were informed that the petition, as filed, was deficient in several aspects. That letter included:

1. It appears that you are the only employees seeking to decertify the incumbent union. Such an action is referred to as a "severance decertification". Unions are certified as exclusive bargaining representative based on having majority status in an appropriate grouping (bargaining unit) of employees. The Commission has long held that the entire existing bargaining unit must be decertified if employees no longer wish to be represented by any union; severance decertifications are not allowed.
2. In order to initiate a "decertification" case, the petitioning employees must provide a "showing of interest" indicating that at least 30% of the employees in the bargaining unit support the decertification petition. That showing of interest must be in the form of individual cards or letters signed by bargaining unit members within 90 days preceding the filing of the petition. See, WAC 391-25-110. You have not supplied any showing of interest in support of your petitions. The Commission's records indicate that the Chehalis Employees' Association was certified in 1992 as the exclusive bargaining representative of a bargaining unit of approximately 41 employees, so at least 13 authorization cards would be needed to support a decertification petition in a unit of that size.
3. Where a collective bargaining agreement is in effect, the statute limits the filing of a decertification petition to the period not more than 90 nor less than 60 days prior to the expiration date of the agreement. The contract which you attached to your petitions will remain in effect until December 31, 1995, so that no petition would be timely until October of 1995.

The petitioners were given until December 17, 1993 to submit additional information supporting their petition, or face dismissal of the petition for the reasons indicated. Nothing further has been heard or received from the petitioners.

NOW, THEREFORE, it is

ORDERED

The petition for investigation of a question concerning representation filed in the above-entitled matter shall be, and hereby is, dismissed as seeking a "severance decertification", for "insufficient showing of interest", and as "untimely".

DATED at Olympia, Washington, this 9th day of February 1994.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director