

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

|                                   |   |                      |
|-----------------------------------|---|----------------------|
| In the matter of the petition of: | ) |                      |
|                                   | ) |                      |
| MOSES LAKE POLICE SUPERVISORS     | ) |                      |
| ASSOCIATION                       | ) | CASE 14224-E-98-2378 |
|                                   | ) |                      |
| Involving certain employees of:   | ) | DECISION 6491 - PECB |
|                                   | ) |                      |
| CITY OF MOSES LAKE                | ) | ORDER OF DISMISSAL   |
|                                   | ) |                      |
|                                   | ) |                      |

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On November 5, 1998, the Moses Lake Police Supervisors Association, filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission under Chapter 391-25 WAC, seeking a change in representation for sergeants in the City of Moses Lake Police Department. The petition indicated that Teamsters, Local 760 is the incumbent exclusive bargaining representative of a bargaining unit consisting of sergeants and commissioned officers. The petition also noted that the clerks and utility officers were excluded from the unit because they are not eligible for interest arbitration according to WAC 391-25-310.

A routine letter was sent to the employer requesting a list of the petitioned-for employees. The employer responded with the names of four sergeants, and a copy of the most recent (expired) collective bargaining agreement from which a severance is being sought in this case.

On November 16, 1998, Teamsters, Local 760 filed a request for dismissal of the petition as untimely, because the City of Moses Lake and Teamsters Local 760 are currently involved in interest

arbitration proceedings in case 13128-I-97-281. A hearing was held in that case on February 9, 1998, and an award issued to the parties on December 15, 1998.

Commission precedent has imposed the "contract bar" principle in bargaining units where the statutory interest arbitration process has been invoked. In essence, the parties have a contract once the interest arbitration process started, and merely do not know its terms until the interest arbitration award is issued. See, Washington State Ferries, Decision 763 (MRNE, 1979); Kitsap County, Decision 4961 (PECB, 1995). The sergeants were part of the bargaining unit when the interest arbitration process was invoked, and the contract resulting from the interest arbitration will cover them for its duration.


The petitioner was given a period of 14 days in which to show cause why the petition should not be dismissed. No response has been received from the petitioner. The petition must be dismissed.

ORDERED

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

Issued at Olympia, Washington, on the 12th day of January, 1999.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
MARVIN L. SCHURKE, Executive Director

This order may be appealed by filing timely objections with the Commission pursuant to WAC 391-25-660.