

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of)	
DAVE WILLIAMS)	CASE NO. 3133-E-80-608
)	
Involving certain employees of)	DECISION NO. 1123-A PECB
)	
LEWIS COUNTY)	ORDER OF DISMISSAL

Dave Williams, petitioner, appeared pro se.

Eugene Butler, Chief Civil Deputy Prosecuting Attorney,
appeared on behalf of the employer.

Pamela G. Cipolla, attorney at law, appeared on behalf
of the intervenor, Washington State Council of County
and City Employees, AFL-CIO.

On October 30, 1980, Dave Williams filed a petition with the Public Employment Relations Commission for investigation of a question concerning representation of certain employees of Lewis County, seeking to decertify Washington State Council of County and City Employees, AFL-CIO, as exclusive bargaining representative of the bargaining unit. The Executive Director invoked the blocking charge rule, WAC 391-25-370. By an order dated March 27, 1981, (Decision 1123 - PECB), the Commission sustained the suspension of the proceedings consistent with WAC 391-25-370, pending the outcome of litigation then before Division II of the Washington State Court of Appeals. An extensive history of unfair labor practice litigation was reviewed in Decision 1123, and will not be repeated here. On May 14, 1982, the Court of Appeals reversed a decision of the Superior Court for Lewis County and enforced the decision of the Commission, finding that the employer had committed unfair labor practices within the meaning of RCW 41.56 by refusing to bargain collectively with the WSCCCE as the exclusive bargaining representative of the employees in the bargaining unit involved. Thereafter, the WSCCCE filed a motion for dismissal of the petition in the captioned matter and the employer sought review of the unfair labor practice case by the Supreme Court. The motion for dismissal was held in abeyance pending the final outcome of the related judicial review proceedings, which occurred on September 24, 1982, when the Supreme Court denied the employer's petition for review. The order of the Commission enforced by the Court of Appeals includes provisions compelling the employer to bargain in good faith with the WSCCCE as the exclusive bargaining representative of the employees involved.

In Lewis County, Decision 645 (PECB, 1979), the Commission dismissed a previous decertification petition filed by the same petitioner, for the reason that:

"...the union has never enjoyed the benefits or recognition and good faith bargaining to which it was entitled, and has been almost constantly in litigation to force the employer to the bargaining table. ... In order to provide the union with the period of initial good faith bargaining to which it is entitled, the "certification bar year" must be computed from the date on which good faith bargaining is obtained pursuant to the Commission's order."

The same considerations apply at the present time.

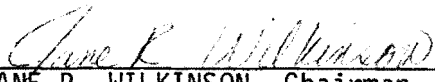
NOW, THEREFORE, it is


ORDERED


The petition for investigation of a question concerning representation filed in the above-entitled matter is dismissed as untimely.

Issued at Olympia, Washington, this 30th day of November, 1982.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


JANE R. WILKINSON, Chairman


MARK C. ENDRESEN, Commissioner


MARY ELLEN KRUG, Commissioner