

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:	)	
	)	
CYNTHIA KELLER	)	CASE No. 2847-E-80-558
	)	
Involving certain employees of:	)	DECISION NO. 930-A PECB
	)	
RIDGEFIELD SCHOOL DISTRICT	)	DECISION OF COMMISSION

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Cynthia Keller, petitioner, appeared pro se.

No appearance was made on behalf of the employer.

Les Hayes, Business Representative, appeared on behalf of the intervenor Service Employees International Union, Local 92, AFL-CIO.

On June 23, 1980, Cynthia Keller filed a petition with the Public Employment Relations Commission seeking decertification of SEIU Local 92 as the exclusive bargaining representative of secretarial employees of Ridgefield School District. By letter dated June 27, 1980, the Executive Director notified the petitioner that the showing of interest filed in support of the petition was insufficient under the rules of the Commission. A new showing of interest was filed on July 7, 1980, and on the same date the Executive Director requested that the employer supply a list of names and a copy of any existing collective bargaining agreement. The employer's response received on July 14, 1980 contained a list of seven employee names and enclosed a copy of a collective bargaining agreement between Ridgefield School District and SEIU Local 92 dated August 28, 1979 and effective for the period September 1, 1979 through August 28, 1980. By order dated July 15, 1980, the Executive Director dismissed the petition as not timely filed. The petitioner filed a petition for review on August 6, 1980. The petitioner and the union each filed written arguments on the petition for review.

The petitioner raises three issues on appeal: (1) That a request filed on June 12, 1980 over the signatures of seven employees should be accepted as a timely petition; (2) That a formal petition filed June 23, 1980 should be taken together with the list of signatures filed previously and regarded as a timely petition; and (3) That the petitioner was misled by a deadline of 10 days for response specified in the Executive Director's June 27, 1980 letter.

The petitioner quotes incompletely WAC 391-21-106, which provided:

WAC 391-21-106 SUPPORTING EVIDENCE. The original copy of the petition filed with the agency shall be accompanied by a showing of interest indicating that the petition has the support of not less than thirty percent of the employees in the bargaining unit which the petitioner claims to be appropriate. The showing of interest must be timely filed under the same standards applicable to the petition, and must consist of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed appropriate during the ninety day period preceding the filing of such evidence with the agency. (Emphasis supplied).

The facts and correspondence relied upon by the petitioner indicate that under cover of correspondence dated June 17, 1980, she was provided with the rules of the Commission, Chapter 391-21-100, et. seq. The first two arguments advanced by the petitioner on appeal ignore the requirement of the rule that a showing of interest "must consist of individual authorization cards or letters signed and dated by employees in the bargaining unit". The Executive Director correctly declined to accept a document containing the signatures of several persons as sufficient showing of interest. The petition filed on June 23, 1980 was incomplete and subject to immediate dismissal for insufficiency of showing of interest.

RCW 41.56.070 establishes, inter alia, the "contract bar" time limits on filing of representation petitions:


"Where there is a valid collective bargaining agreement in effect, no question of representation may be raised except during the period not more than ninety nor less than sixty days prior to the expiration date of the agreement."

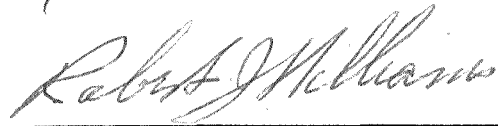
The requirement of WAC 391-21-106 that the "showing of interest must be timely filed under the same standards applicable to the petition" implements the statutory time limitations. WAC 391-21-106 was cited specifically in the Executive Director's June 27, 1980 letter. There was no specific request for, nor could the Executive Director have granted, waiver or extension of the statutory time requirement.

The order of dismissal issued by the Executive Director is affirmed.

DATED this 12th day of December, 1980.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
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JANE R. WILKINSON, Chairman

  
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R. J. WILLIAMS, Commissioner

  
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JOHN H. LEINEN, Commissioner