

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

LA CENTER EXEMPT EMPLOYEES
ASSOCIATION

Involving certain employees of:

CITY OF LA CENTER

CASE 23402-E-10-3580

DECISION 10835 - PECB

ORDER OF DISMISSAL

Bart Stepp, Chair, for the petitioner, La Center Exempt Employees Association.

Patrick Irish, Mayor, for the employer.

Emmal Skalbania and *Vinnedge* by *Patrick Emmal*, Attorney at Law, for the incumbent union, La Center Police Officer Association.

On July 26, 2010, the La Center Exempt Employees Association filed a representation petition seeking to add the city planner and city building official into its existing bargaining unit. On July 28, 2010, a letter was mailed to the employer requesting a list of employees. The employer responded on August 5, 2010, noting that the building official and city planner are part of the La Center Police Officer Association and that the two petitioned-for employees do not constitute the entire existing bargaining unit.

Review of the Commission's docket records shows case 22949-E-10-3523 involved the city planner and city building official in a petition filed by the La Center Police Officer Association. An interim certification was issued on March 22, 2010 certifying the La Center Police Officer Association as the exclusive bargaining representative of a unit described as:

All full-time and regular part-time employees of the City of La Center, excluding uniformed employees, supervisors, confidential employees and all other employees.

There were remaining eligibility issues scheduled for a hearing. On May 26, 2010, the parties stipulated that the positions of city planner and city building official held by David Johnson and

Dale Miller were not supervisors and were included in the bargaining unit so no hearing was necessary.

As a result of the review of case 22949-E-10-3523, a letter was mailed to the parties on August 11, 2010 asking the petitioner to show cause why the petition should not be dismissed as procedurally defective. To date, the petitioner has not responded, nor the other parties.

Your attention is directed to WAC 391-25-440 which states:

(1) Where only one employee organization seeks to add an employee or group of *previously unrepresented employees* to an appropriate bargaining, which it already represents, under this chapter and the relevant statute, the organization may petition for a self-determination election to ascertain the employees' desire to be included in its existing bargaining unit.

A representation petition seeking to add positions into an organization's existing bargaining unit is only applicable if it seeks to include *unrepresented* positions. The petitioned-for employees are already represented by another union; therefore, the petition must be dismissed. If the duties of the city planner and city building official have changed since the La Center Police Officer Association was certified as exclusive bargaining representative and they are now performing supervisory duties, a unit clarification petition may be filed under WAC 391-35.

NOW, THEREFORE, it is

ORDERED

The representation petition filed in this matter is dismissed as procedurally defective.

Issued at Olympia, Washington, this 27th day of August, 2010.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



CATHLEEN CALLAHAN, Executive Director

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under WAC 391-25-660.