

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

JULIE HENNING

Involving certain employees of:

COLUMBIA BASIN COLLEGE
(COMMUNITY COLLEGE DISTRICT 19)

CASE 24945-E-12-3728

DECISION 11776-A - PSRA

DECISION ON MOTION FOR
DISCRETIONARY REVIEW

Julie Henning, appeared *pro se*.

Robert W. Ferguson, Attorney General, by *Patricia A. Thompson*, Assistant Attorney General, for the employer.

Schwerin Campbell Barnard Iglitzin & Lavitt, L.L.P., by *Kathleen Phair Barnard*, Attorney at Law, and *Danielle Franco-Malone*, Attorney at Law, for the union.

The Washington Public Employees Association (WPEA) filed a motion pursuant to WAC 391-25-390 requesting the Commission to review Executive Director Michael P. Sellars' decision denying the WPEA's motion to dismiss a decertification petition.¹

On March 19, 2013, the WPEA moved to dismiss the decertification petition filed by Julie Henning (Henning). The Executive Director ruled that the employer's conduct did not warrant dismissal of the representation petition. The Executive Director lifted the blocking charge² and remanded the case to the Representation Case Administrator for further processing.

¹ *Columbia Basin College*, Decision 11776 (PSRA, 2013).

² WPEA had previously filed an unfair labor practice complaint alleging employer interference with employee rights. The Examiner's decision was affirmed by the Commission. *Columbia Basin College*, Decision 11609-A (PSRA, 2013). After compliance, the unfair labor practice charge would no longer block processing of the decertification petition. WAC 391-25-370.

On June 17, 2013, the WPEA filed a motion for discretionary review under WAC 391-25-390. The union alleged that the Executive Director committed probable error, that the decision alters the status quo by subjecting the union to a decertification vote when the petition was tainted by the employer's unlawful conduct. The union requested the Commission to accept discretionary review.

On June 28, 2013, the employer filed a response. The employer asserts that WPEA's motion is premature. The employer argues that the Executive Director's ruling is an interim ruling and WAC 391-25-590, not WAC 391-25-390(4), is the applicable rule.

The Commission has reviewed the motion. The union's motion for discretionary review is denied. The case is remanded to the Representation Case Administrator for further processing.

NOW, THEREFORE, it is

ORDERED

The Motion for Discretionary Review is denied.

ISSUED at Olympia, Washington, this 16th day of July, 2013.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


PAMELA G. BRADBURN, Commissioner


THOMAS W. McLANE, Commissioner



PUBLIC EMPLOYMENT RELATIONS COMMISSION


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MIKE SELLARS, EXECUTIVE DIRECTOR

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PUBLIC EMPLOYMENT RELATIONS
COMMISSION



BY: *MAJEL C. BOUDIA*

CASE NUMBER: 24945-E-12-03728 FILED: 06/27/2012 FILED BY: PARTY 2
DISPUTE: QCR DECERT
BAR UNIT: ALL EMPLOYEES
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