

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

BRIAN MONEYMAKER

Involving certain employees of:

FRANKLIN COUNTY

CASE 127861-E-16

DECISION 12590 - PECB

ORDER OF DISMISSAL

Brian Moneymaker, the decertification petitioner.

Kevin Wesley, Labor Relations Consultant, The Wesley Group, for Franklin County.

Bill Keenan, Director of Organizing, for the Washington State Council of County and City Employees.

On January 27, 2016, Brian Moneymaker (petitioner) filed a representation petition with the Public Employment Relations Commission seeking to decertify the Washington State Council of County and City Employees (union) as the bargaining representative for the Real Estate Appraisers employed by Franklin County (employer).

On January 28, 2016, a routine letter was sent to the employer requesting a list of the petitioned-for employees. The employer responded to that request and provided a copy of the current collective bargaining agreement between the employer and union. The agreement is valid until December 31, 2017.

Because the petition appeared to be untimely, a deficiency notice was issued on February 19, 2016, asking the petitioner to show good cause as to why its petition should not be dismissed as untimely. The petitioner responded to the show cause letter on March 3, 2016, asserting that he believed the employer's attempt to merge the appraisers into a bargaining unit of courthouse employees rendered the existing appraisers collective bargaining agreement invalid. The petitioner asked that processing of the petition continue despite the existing contract.

On March 16, 2016, the employer and union were invited to respond to the petitioner's assertions. The employer asserted that the petition is not timely because the existing collective bargaining agreement between the union and employer for the appraisers bargaining unit does not expire until December 31, 2017.

The petition must be dismissed because the petitioned-for employees are covered by a valid collective bargaining agreement that does not expire until December 31, 2017, and a "contract bar" exists while a valid collective bargaining agreement is in effect. A petition involving any or all of the employees covered by the agreement will be timely only if it is filed during the 60- to 90-day window period prior to the stated expiration date of the collective bargaining agreement. WAC 391-25-030(1). In this instance, the window period for filing a petition will not open until October 3, 2017, and will close on November 2, 2017.

ORDER

The petition filed by Brian Moneymaker is DISMISSED as untimely under WAC 391-25-030(1).

ISSUED at Olympia, Washington, this 15th day of June, 2016.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MICHAEL P. SELLARS, 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.



PUBLIC EMPLOYMENT RELATIONS COMMISSION

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RECORD OF SERVICE - ISSUED 06/15/2016

DECISION 12590 - PECB has been mailed by the Public Employment Relations Commission to the parties and their representatives listed below:

BY: VANESSA SMITH

CASE NUMBER: 127861-E-16

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