

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

TEAMSTERS LOCAL UNION 882,	)	
	)	
Complainant,	)	CASE NO. 7697-U-88-1623
	)	
vs.	)	DECISION 3123 - PECB
	)	
PORT OF SEATTLE,	)	
	)	ORDER OF DISMISSAL
Respondent.	)	
	)	
	)	
	)	

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On November 30, 1988, Teamsters Local Union 882 (complainant) filed a complaint charging unfair labor practices with the Public Employment Relations Commission, alleging that the Port of Seattle (respondent) had violated RCW 41.56.140(4) by refusing to ratify and sign a collective bargaining agreement which had been negotiated by duly authorized representatives of the parties. On January 19, 1989, the Executive Director issued a preliminary ruling pursuant to WAC 391-45-110, informing the complainant that several difficulties existed in the complaint as filed.

From the allegations of the complaint, it appears that Teamsters Local 882 became the exclusive bargaining representative of the respondent's "marina attendant" employees in June or August of 1988. Review of the docket records of the Public Employment Relations Commission fails to disclose any representation proceeding involving these parties during that time period, thereby raising an inference that the employer extended "voluntary recognition", without benefit of an election or cross-check of employer and union records conducted by the

Commission pursuant to WAC 391-25-410. It next appears that the Port of Seattle and Teamsters Local 882 reached an agreement in collective bargaining which was subject to ratification action on both sides. The preliminary ruling letter noted that ratification of the tentative agreement by the union membership set up a situation similar to that encountered in City of Port Orchard, Decision 483 (PECB, 1978), where a Teamster affiliate filed a representation petition seeking certification as exclusive bargaining representative of employees theretofore represented by an AFSCME affiliate, after the AFSCME members had voted to ratify a tentative agreement. Also noted in the preliminary ruling letter was the fact that the docket records of the Commission disclose that a representation petition was filed in the "marina attendants" bargaining unit prior to the November 21, 1988 meeting in which the port commission refused to take action on the collective bargaining agreement.

It cannot be concluded that an unfair labor practice violation could be found merely because the employer refused to take action on November 21 to ratify the tentative agreement reached earlier. It was held in Port Orchard that the "contract bar" provision of the statute did not come into operation to protect the incumbent from a representation petition in the absence of completion of the employer's ratification procedure. Yelm School District, Decision 704-A (PECB, 1980) and Pierce County, Decision 1588 (PECB, 1983) enunciate the proposition that the employer must suspend its dealings with an incumbent labor organization while a question concerning representation is pending.

The complainant was informed by the preliminary ruling letter that the complaint, as filed, could not be processed further, and the complainant was given a period of 14 days to amend the

complaint. The complainant has not filed any further documentation or information on the matter.

NOW, THEREFORE, IT IS

ORDERED

The complaint charging unfair labor practices in the above-captioned matter is hereby DISMISSED.

DATED at Olympia, Washington this 17th day of February, 1989.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

This order may be appealed by filing a petition for review with the Commission pursuant to WAC 391-45-350.