

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of	)	
BRUCE BAGLEY	)	Case No. 1153-C-77-45
For Clarification of an Existing	)	Decision No. 318-PECB
Bargaining Unit of Employees of	)	ORDER OF DISMISSAL
PUGET SOUND AIR POLLUTION CONTROL	)	
AGENCY	)	
_____		

Teamsters Local No. 763 was certified by the Commission as the exclusive bargaining representative in a unit of employees of Puget Sound Air Pollution Control Agency following an election, an appeal by the employer and a denial of that appeal by the Commission on the basis that unit clarification proceedings were available to the employer to obtain a ruling on certain disputed positions.

On October 3, 1977, Bruce Bagley filed a petition with the Public Employment Relations Commission seeking a determination as to his professional status and whether he belonged in the bargaining unit referenced above. Unit clarification proceedings under Chapter 41.56 RCW are conducted pursuant to WAC 391-20-151, which states:

"WAC 391-20-151 UNIT CLARIFICATION. Whenever a disagreement occurs on whether or not positions are to be included or excluded from the bargaining unit, the public employer or the bargaining representative may petition the commission to conduct a representation hearing to resolve the matter. In making this determination the commission shall be guided by the criteria set forth in RCW 41.56.030 and RCW 41.56.060." (Emphasis in text supplied).

On October 7, 1977, a letter was directed to the Employer and the Union to determine whether either or both of them desired to raise a question of unit clarification in the bargaining unit referenced above. A reply was received from the Union on October 13, 1977 clearly indicating that the Union did not desire to raise a question of unit clarification. A reply was received from the Employer on October 18, 1977 which reviews the history of the bargaining unit and concludes with the statement that ". . . it appears that the matter of unit appropriateness will be a continuing issue when individuals believe believe their rights have been abridged." This was interpreted as not raising a question of unit clarification on behalf of the Employer, and the Employer's lack of desire to proceed was subsequently verified by a telephonic

contact with the Employer's labor relations consultant. Thus, neither of the parties qualified to do so under the rule has raised a question concerning unit clarification in the bargaining unit involved. The Petitioner clearly does not have standing to file a petition under that rule.

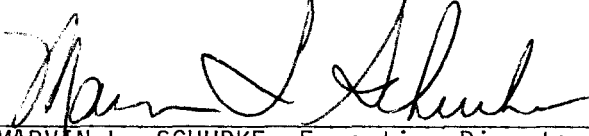
NOW, THEREFORE, IT IS

O R D E R E D

The petition for unit clarification filed in the above-entitled matter is dismissed.

DATED at Olympia, Washington, this 30th day of November, 1977.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
MARVIN L. SCHURKE, Executive Director