

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

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| In the matter of the petition of: |) | |
| |) | |
| OFFICE AND PROFESSIONAL EMPLOYEES |) | CASE 11317-C-94-672 |
| INTERNATIONAL UNION, LOCAL 11 |) | |
| |) | |
| For clarification of an existing |) | DECISION 5139 - PECB |
| bargaining unit of employees of: |) | |
| |) | |
| CLARK COUNTY |) | ORDER OF DISMISSAL |
| |) | |
| |) | |
| |) | |

On September 12, 1994, Office and Professional Employees International Union, Local 11, filed a petition for clarification of an existing bargaining unit with the Public Employment Relations Commission. The union, which was then the incumbent exclusive bargaining representative of a bargaining unit of employees working in the Clark County Jail, sought to implement Chapter 397, Laws of 1993 (RCW 41.56.030(7)), by separating correctional employees who had become eligible for interest arbitration from employees who were not eligible for interest arbitration. A hearing was scheduled in the matter, but was continued for reasons indicated below.

On October 3, 1994, the Clark County Custody Officers Guild filed a petition for investigation of a question concerning representation with the Commission, seeking certification as exclusive bargaining representative of Clark County corrections personnel that are eligible for interest arbitration under RCW 41.56.030(7). The Commission held a prehearing conference on November 29, 1994, at which time the parties stipulated the existence of a question concerning representation. The Commission proceeded with the conduct of a representation election by mail ballot tallied on May 22, 1995. A certification was issued in that proceeding on May 31, 1995, designating the Clark County Custody Officers Guild as the

exclusive bargaining representative in the petitioned-for unit. Clark County, Decision 5133 (PECB, 1995).

The processing of the above-captioned unit clarification case was suspended, pending the outcome of the later-filed representation case, and this matter is now subject to dismissal based on that outcome. A unit clarification proceeding cannot be conducted in the presence of a question concerning representation. WAC 391-35-010. Once the parties moved ahead with the representation proceedings in Case 11354-E-94-1866, it was necessary for them to resolve any and all issues concerning the affected bargaining unit in that proceeding. Under the same rule, Office and Professional Employees International Union, Local 11, lost its legal standing to process a unit clarification petition in the affected bargaining unit once it lost its status as exclusive bargaining representative for the unit.

NOW, THEREFORE, it is

ORDERED

The petition for clarification of an existing bargaining unit filed in above-captioned matter is DISMISSED.

Issued at Olympia, Washington, on the 2nd day of June, 1995.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARVIN L. SCHURKE, Executive Director

This order may be appealed by filing timely objections with the Commission pursuant to WAC 391-35-210.