

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

WASHINGTON STATE COUNCIL OF
COUNTY AND CITY EMPLOYEES,
COUNCIL 2

For clarification of an existing bargaining
Unit of employees of:

CITY OF TACOMA

CASE 23740-C-11-1445

DECISION 11002 - PECB

ORDER OF DISMISSAL

On January 18, 2011, the Washington State Council of County and City Employees, Council 2 (union) filed a petition for clarification of a bargaining unit with the Public Employment Relations Commission under Chapter 391-35 WAC. The petition concerns employees represented by the union. The petition was reviewed under WAC 391-35-020, and a deficiency notice issued on January 21, 2011, indicated that the petition was defective. The union was given a period of 21 days in which to file and serve an amended petition or face dismissal of the case.

The union has not filed an amended petition. The petition is dismissed.

DISCUSSION

The petition appears to be untimely.

Unit clarification proceedings are controlled by Chapter 391-35 WAC. Within that chapter, WAC 391-35-020(2)(a) provides as follows:

A unit clarification petition concerning status as a supervisor under WAC 391-35-340, or status as a regular part-time or casual employee under WAC 391-35-350, is subject to the following conditions: The signing of a collective bargaining agreement will not bar the processing of a petition filed by a party to the agreement, if the petitioner can demonstrate that it put the other party on notice

during negotiations that it would contest the inclusion or exclusion of the position or class through a unit clarification proceeding, and it filed the petition prior to signing the current collective bargaining agreement.

This petition concerns the supervisory status of two Information Technology Supervisors. The union has elected to pursue this matter under Chapter 391-35 WAC, rather than Chapter 391-45 WAC, but the petition indicates that the parties are not currently in negotiations over a successor agreement to the 2008-2010 contract. The petition cannot be processed unless the provisions of WAC 391-35-020(2)(a) are satisfied.

This order does not prevent the union from filing a new petition should the parties enter negotiations over a successor collective bargaining agreement.

NOW, THEREFORE, it is

ORDERED

The petition for clarification of a bargaining unit filed in Case 23740-C-11-1445 is DISMISSED as procedurally defective.

ISSUED at Olympia, Washington, this 15th day of February, 2011.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



DAVID I. GEDROSE, Unfair Labor Practice Manager

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under WAC 391-35-210.



PUBLIC EMPLOYMENT RELATIONS COMMISSION


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The attached document identified as: **DECISION 11002 - PECB** has been served by the Public Employment Relations Commission by deposit in the United States mail, on the date issued indicated above, postage prepaid, addressed to the parties and their representatives listed in the docket records of the Commission as indicated below:

PUBLIC EMPLOYMENT RELATIONS COMMISSION

BY:  ROBBIE DUFFIELD

CASE NUMBER: 23740-C-11-01445 FILED: 01/18/2011 FILED BY: PARTY 2
DISPUTE: SUPERVISORS
BAR UNIT: SUPERVISORS
DETAILS: -
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