

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

RICK FESLER

Involving certain employees of:

TONASKET SCHOOL DISTRICT

CASE 129056-E-17

DECISION 12761 - PECB

ORDER OF DISMISSAL

On June 16, 2017, Rick Fesler filed a petition to decertify the Public School Employees of Washington (union) as the exclusive bargaining representative of a classified bargaining unit at the Tonasket School District (employer). The employer and union are parties to a collective bargaining agreement that expires on August 31, 2017. The window period to file a change of representation petition opened June 3, 2017, and closed on July 3, 2017. RCW 41.56.070.

Agency staff compared the showing of interest supplied by Fesler against the list of employees provided by the employer and determined that the showing of interest supplied by Fesler was deficient. Fesler was provided a copy of the eligibility list provided by the employer and provided an opportunity to respond to the defects in that list. Fesler did not submit any response. Because Fesler is precluded at this time from supplementing the showing of interest to cure the defect, his petition must be dismissed.

ANALYSIS

This agency is responsible for administering all union representation elections involving state civil service employees and adjudicates all disputes that result from those elections. RCW 41.56.070. This agency also has the authority to adopt rules to process elections. RCW 41.56.070. All representation petitions processed by this agency are governed by the provisions of Chapter 391-25 WAC.

Representation petitions must be supported by a showing of interest demonstrating that at least 30 percent of the employees in the bargaining unit support the purpose of the petition. WAC 391-25-110. This requirement is mandatory, not discretionary. *State – Labor and Industries*, Decision 9052 (PSRA, 2005). The 30 percent requirement provides evidence that at least a significant minority of employees desires a change as to invoke the jurisdiction and resources of the agency. The showing of interest must be submitted to the agency under the same timeliness standards as the petition. WAC 391-25-110.

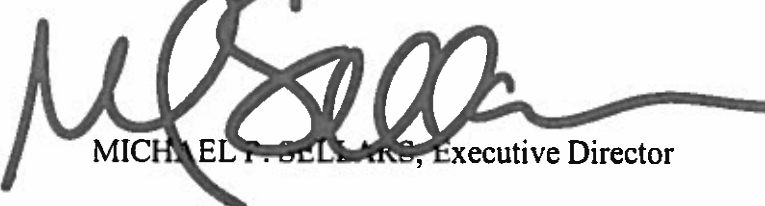
Fesler's petition is not supported by at least 30 percent of the employees in the classified bargaining unit. Additionally, Fesler cannot supplement his petition with additional showing of interest cards. The existing agreement between the employer and union expires on August 31, 2017, and the window period for filing a decertification petition closed on July 3, 2017. RCW 41.80.070; WAC 391-25-030. Because the showing interest cards supporting Fesler's petition needed to be submitted by July 3, 2017, and he was deficient, Fesler has no mechanism for curing the defect in his petition and the petition must be dismissed.

ORDER

The representation petition filed by Rick Fesler in the above-captioned matter is DISMISSED.

Issued at Olympia, Washington, this 8th day of August, 2017.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MICHAEL P. BELLARS, Executive Director

This order will be the final order of the agency unless an appeal is filed with the Commission under WAC 391-25-660.



## PUBLIC EMPLOYMENT RELATIONS COMMISSION

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### RECORD OF SERVICE - ISSUED 08/08/2017

DECISION 12761 - PECB has been mailed by the Public Employment Relations Commission to the parties and their representatives listed below:

BY: DEBBIE BATES

CASE NUMBER: 129056-E-17

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