

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

KELLY CAUDILL

Involving certain employees of:

SPOKANE VALLEY FIRE DEPARTMENT
(SPOKANE VALLEY FIRE DISTRICT 1)

CASE 136149-E-23

DECISION 13639 - PECB

ORDER OF DISMISSAL

Kelly Caudill, Petitioner.

Tina Sheldon, Director of Human Resources (Interim), for the Spokane Valley Fire District 1.

On January 17, 2023, Kelly Caudill filed a representation petition seeking to decertify International Association of Machinists and Aerospace Workers, District Lodge 751 (union) as the exclusive bargaining representative of the bargaining unit of Mechanics and Utility/Couriers at the Spokane Valley Fire Department (employer). Included in the petition, Caudill provided notice that the union and employer are parties to a collective bargaining agreement that expires on December 31, 2023, and a desire to have the union disclaim the bargaining unit. On January 31, 2023, Representation Case Administrator Emily Whitney issued a deficiency notice finding that Caudill's petition was not timely because the petition was not filed during the "window" period not more than 90 nor less than 60 days prior to the expiration date of the agreement.¹ Caudill was given a period of 14 days to show cause as to why this agency should accept the untimely petition as well as to cure the other

¹ The deficiency notice indicated that because the collective bargaining agreement does not expire until December 31, 2023, the window period for filing does not open until October 3, 2023, (90 days before expiration) and closes on November 2, 2023, (60 days before expiration).

defects in the petition. Caudill did not correct the defects nor withdraw the petition and the union did not disclaim the bargaining unit.

Caudill's petition must be dismissed because the employer and union negotiated a valid collective bargaining agreement with an expiration date of December 31, 2023, and the petition was filed while a valid contract bar was in effect. A contract bar precludes any representation petition from being filed during the life of a valid collective bargaining agreement except during a certain statutory window period. *Chimacum School District*, Decision 12623 (PECB, 2016), *aff'd*, Decision 12623-A (PECB, 2017). The contract bar doctrine does not exist to frustrate attempts to raise questions concerning representation. *Chimacum School District*, Decision 12623-A. Rather, the principle stabilizes collective bargaining relationships by providing an orderly procedure for raising questions concerning representation. *Id.*, (citing *Yakima Valley College*, Decision 280 (CCOL, 1977)).

ORDER

The representation petition filed by Kelly Caudill in the above-captioned matter is DISMISSED.

ISSUED at Olympia, Washington, this 7th day of March, 2023.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MICHAEL P. SELLARS, Executive Director

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



RECORD OF SERVICE

ISSUED ON 03/07/2023

DECISION 13639 - PECB has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

BY: DEBBIE BATES

CASE 136149-E-23

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