

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

QUINCY POLICE OFFICERS  
ASSOCIATION

Involving certain employees of:

CITY OF QUINCY

CASE 136203-E-23

DECISION 13643 - PECB

ORDER OF DISMISSAL

*James David*, Attorney/General Counsel, Fraternal Order of Police, for Quincy Police Officers Association.

*Pat Haley*, City Administrator, for the City of Quincy.

On February 9, 2023, the Quincy Police Officers Association (Association) filed a petition with the Public Employment Relations Commission seeking to replace Teamsters Local 760 (Teamsters) as the exclusive bargaining representative of city office and clerical employees at the City of Quincy. On February 10, 2023, a routine letter was sent to the employer requesting a list of employees being petitioned for. The employer responded to that request on February 13, 2023. Also provided was a copy of the current collective bargaining agreement between the employer and Teamsters, which indicates the contract is valid from January 1, 2022, through December 31, 2024. That agreement includes a November 10, 2022, memorandum of agreement indicating that the existing public works collective bargaining agreement applies to the petitioned-for city office and clerical employees except for certain unique wage provisions.

Because it readily appeared that a contract bar existed at the time the petition was filed, a deficiency notice was issued pointing out that defect and the Association was provided until March 1, 2023, to show good cause as to why the petition should not be dismissed. The agency did not receive any response from the Association. The Association's petition is dismissed.

ANALYSIS

RCW 41.56.070 creates a “contract bar” which prescribes the time periods where a representation petition may be filed to either remove or change the bargaining unit’s current bargaining representative. Where a current collective bargaining agreement is in effect, a petition involving any or the employees covered by the agreement will be timely only if it is filed during the “window” period of not more than ninety nor less than sixty days prior to the stated expiration date of the collective bargaining agreement. A petition to change or remove the bargaining representative may also be filed after the expiration date of a collective bargaining agreement provided a new agreement has not been reached between the incumbent employer and bargaining representative.

In this case, because the existing collective bargaining agreement does not expire until December 31, 2024, the window period opens on October 3, 2024, and closes on November 2, 2024. The Association’s petition was not timely and must therefore be dismissed.

ORDER

The representation petition filed by the Quincy Police Officers Association in the above-captioned matter is dismissed.

ISSUED at Olympia, Washington, this 14th 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 03/14/2023

DECISION 13643 - 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 136203-E-23

EMPLOYER: CITY OF QUINCY

REP BY: PAT HALEY  
CITY OF QUINCY  
PO BOX 338  
QUINCY, WA 98848  
phaley@quincywashington.us

PARTY 2: QUINCY POLICE OFFICERS ASSOCIATION

REP BY: JAMES DAVID  
FRATERNAL ORDER OF POLICE  
PO BOX 126  
VANCOUVER, WA 98666  
jim.david@wafop.com

PARTY 3: TEAMSTERS LOCAL 760

REP BY: ARMANDO LOPEZ  
TEAMSTERS LOCAL 760  
514 W 3RD  
MOSES LAKE, WA 98837  
armando@teamsters760.org