

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

KHOA TRINH

Involving certain employees of:

C-TRAN

CASE 138120-E-23

DECISION 13822 - PECB

ORDER OF DISMISSAL

Khoa Trinh, Petitioner.

Kevin Kinoshita, Vice President – Assistant Business Agent, for the Amalgamated Transit Union Local 757.

Shawn M. Donaghy, Executive Director/CEO, for C-Tran.

On December 29, 2023, Khoa Trinh filed a petition with the Public Employment Relations Commission seeking to decertify Amalgamated Transit Union Local 757 (union) as the exclusive bargaining representative of information technology employees at C-TRAN (employer). On January 3, 2024, a routine letter was sent to the employer requesting a list of employees being petitioned for. The employer responded to that request on January 5, 2024. Also provided was a copy of the current collective bargaining agreement between the employer and the union, which indicates that the contract is valid from February 1, 2022, through December 31, 2025.

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 Khoa Trinh was provided until January 24, 2023, to show good cause as to why the petition should not be dismissed. The agency did not receive any response. The 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 of 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 employer and the incumbent bargaining representative.

In this case, because the existing collective bargaining agreement does not expire until December 31, 2025, the window period opens on October 3, 2025, and closes on November 2, 2025. The petition is not timely and must therefore be dismissed.

ORDER

The representation petition filed by Khoa Trinh in the above-captioned matter is dismissed.

ISSUED at Olympia, Washington, this 17th day of April, 2024.

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 04/17/2024

DECISION 13822 - 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 138120-E-23

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