

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

PUBLIC SCHOOL EMPLOYEES	)	
OF WASHINGTON,	)	
	)	
Complainant,	)	CASE 15721-U-01-3984
	)	
vs.	)	DECISION 7434 - PECB
	)	
KENT SCHOOL DISTRICT,	)	ORDER OF DISMISSAL
	)	
Respondent.	)	
	)	
	)	

On February 21, 2001, Public School Employees of Washington (union) filed a petition for investigation of a question concerning representation with the Commission concerning the custodial-maintenance employees of the Kent School District (employer). The union's petition was docketed as Case 15656-E-01-2607. The petition was accompanied by a copy of a collective bargaining agreement between the employer and United Classified Workers Union of Washington (UCWU) covering the period of September 1, 1995, through August 31, 1998.

On March 7, 2001, UCWU filed a letter with the Commission indicating that it was the incumbent representative of employees affected by the petition. The March 7 filing enclosed a copy of a collective bargaining agreement between the employer and UCWU covering the period of September 1, 1998, through August 31, 2001. The letter raised an issue as to the timeliness of the petition, given the Commission's contract bar rule. See *West Valley School District*, Decision 2913-B (PECB, 1988).

On March 15, 2001, the employer filed a letter with the Commission enclosing a copy of the same 1998-2001 agreement with UCWU. On March 19, 2001, a show cause letter was issued by Executive Director Marvin L. Schurke concerning the timeliness of the petition.

On March 20, 2001, the union filed a complaint charging unfair labor practices in the above-referenced matter with the Public Employment Relations Commission. The complaint alleged that the employer interfered with employee rights under RCW 41.56.140(1), by unilaterally implementing a reorganization of its custodial services during the pendency of the representation petition in Case 15656-E-01-2607.

On March 29, 2001, the union filed a Petitioner's Brief in Response to Show Cause Order and an affidavit of Anne Smyth, in relation to the March 19 letter from Executive Director Schurke in Case 15656-E-01-2607.

A letter was issued on April 5, 2001, by Director of Administration Mark S. Downing concerning the processing of Cases 15656-E-01-2607 and 15721-U-01-3984. The April 5 letter indicated that as factual issues remained as to the existence of a contract bar, Case 15656-E-01-2607 would be assigned to a Hearing Officer for further proceedings, and Case 15721-U-01-3984 would be held in abeyance until the contract bar issue was resolved.

Case 15656-E-01-2607 was assigned to Hearing Officer Kenneth J. Latsch and a hearing was scheduled for May 16, 2001. On May 30, 2001, the union filed a motion to dismiss its petition in Case 15656-E-01-2607. The Commission issued an Order Closing Case on May 31, 2001, accepting the union's withdrawal of its petition.

As the union has withdrawn its representation petition in Case 15656-E-01-2607, it does not have standing at this time to pursue its unfair labor practice complaint in Case 15721-U-01-3984 concerning the employer's alleged conduct during the pendency of the representation petition.

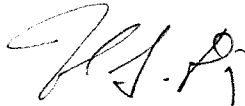
NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in the above captioned matter is DISMISSED for lack of standing.

ISSUED at Olympia, Washington, this 6th day of June, 2001.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in dark ink, appearing to read 'M.S. Downing', is written over the printed name.

MARK S. DOWNING, Director of Administration

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under WAC 391-45-350.