

WAC 391-25-030 Petition—Time for filing. (1) A petition may be filed at any time during which no "contract bar" or "certification bar" exists.

(2) (a) If a valid collective bargaining agreement is in effect, it operates as a "contract bar" to a petition, and a representation petition may only be filed during the statutory window period.

(i) For state civil service employees who collectively bargain under chapter 41.80 RCW and marine employees who collectively bargain under chapter 47.64 RCW, the statutory window period is not more than 120 days nor less than 90 days before the stated expiration date of the collective bargaining agreement.

(ii) For all other employees, the statutory window period is not more than 90 days nor less than 60 days before the stated expiration date of the collective bargaining agreement.

(b) To constitute a valid collective bargaining agreement for purposes of this subsection:

(i) The agreement must cover a bargaining unit that is appropriate under the terms of the applicable statute;

(ii) The agreement must be in writing, signed by the parties' representatives, and in effect; and

(iii) The agreement must contain a fixed expiration date not less than 90 days after it was signed.

(c) An agreement to extend or replace a collective bargaining agreement does not bar a petition filed in the window period of the previous agreement.

(d) Following the close of the window period described in this subsection, a "protected" period is in effect until the expiration of the existing collective bargaining agreement.

(i) If the employer and incumbent exclusive bargaining representative negotiate a valid collective bargaining agreement during the protected period, a contract bar will be in effect and bar a petition under this chapter.

(ii) If the filing and withdrawal or dismissal of a petition under this chapter intrudes upon the protected period, the employer and incumbent exclusive bargaining representative are given a 60-day protected period commencing on the date the withdrawal or dismissal is final.

(e) A certification of issues for interest arbitration issued under WAC 391-55-200 serves as a valid agreement under subsection (2) (b) of this section.

(f) For certificated employees who collectively bargain under chapter 41.59 RCW and four-year institution of higher education faculty who collectively bargain under chapter 41.76 RCW, the agreement only operates as a bar for the first three years after its effective date.

(3) A "certification bar" exists where a certification has been issued by the agency. A petition involving the same bargaining unit or any subdivision of that bargaining unit will be timely only if it is filed more than 12 months following the date of the certification of an exclusive bargaining representative.

(4) Neither a certification bar nor a contract bar precludes petitions filed under WAC 391-25-080 from being processed at any time subject to the limitations stated in that rule.

[Statutory Authority: RCW 28B.52.080, 41.56.090, 41.58.050, 41.59.110, 41.76.060, 41.80.080, 47.64.135, and 49.39.060. WSR 22-23-101, §

391-25-030, filed 11/16/22, effective 1/1/23. Statutory Authority: RCW 28B.52.080, 41.06.340, 41.56.090, 41.58.050, 41.59.110, 41.76.060, 41.80.080, and 49.39.060. WSR 10-20-172, § 391-25-030, filed 10/6/10, effective 11/6/10. Statutory Authority: RCW 28B.52.080, 41.56.090, 41.59.110, 41.58.050, 28B.52.030, 34.05.413, 41.56.050, 41.56.060, 41.56.070, 41.59.070 and 41.59.080. WSR 01-14-009, § 391-25-030, filed 6/22/01, effective 8/1/01. Statutory Authority: RCW 28B.52.080, 41.56.090, 41.59.110, 41.58.050, 28B.52.030, 34.05.413, 41.56.060, [41.56].070, 41.59.070 and [41.59].080. WSR 96-07-105, § 391-25-030, filed 3/20/96, effective 4/20/96. Statutory Authority: RCW 41.58.050, 28B.52.080, 41.56.090, 41.59.110, 41.56.070 and 41.59.070. WSR 90-06-072, § 391-25-030, filed 3/7/90, effective 4/7/90. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. WSR 80-14-046 (Order 80-5), § 391-25-030, filed 9/30/80, effective 11/1/80.]