

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of a dispute)	
concerning the obligations of:)	
)	
BRIAN T. REGAN)	CASE 19988-N-05-0046
)	
Under union security provisions)	DECISION 9406-A - PSRA
of a collective bargaining)	
agreement between:)	
)	
STATE - LIQUOR CONTROL BOARD)	
)	
and)	
)	
WASHINGTON PUBLIC EMPLOYEES)	DECISION OF COMMISSION
ASSOCIATION, UFCW LOCAL 365)	
)	
)	

Brian T. Regan, appeared pro se.

Lou Baker, Employee Relations Specialist, for the union.

This case comes before the Commission on a purported appeal filed by Brian T. Regan (Regan) seeking review of the Findings of Fact, Conclusions of Law, and Order issued by Examiner Lisa A. Hartrich denying Regan's motion to assert his right of nonassociation under RCW 41.80.100.¹ Although the purported notice of appeal was timely under WAC 391-95-270, several defects in the filing are readily apparent, including:

- No indication of the specific findings of fact, conclusions of law, or order claimed to be in error as required by WAC 391-95-270(3).

¹ State - Liquor Control Board, Decision 9406 (PSRA, 2006).

- No indication that the notice of appeal had been served on the other parties.

WAC 391-95-270(3) regulates appeals from dismissal in representation cases. That rule states, in part:

A notice of appeal . . . shall identify, in separate numbered paragraphs, the specific rulings, findings of fact, conclusions of law, or orders claimed to be in error.

A party filing an appeal must put the Commission and opposing party (or parties) on notice of the subjects it desires to argue. *Clover Park School District*, Decision 7073-A (EDUC, 2001); *City of Kirkland*, Decision 6377-A (PECB, 1998). The Commission expects the parties to closely monitor their compliance with the rules. *Clover Park School District*, Decision 7073-A. If a party fails to do so, the Commission has an obligation to apply the rules in fairness to the other party. *Clover Park School District*, Decision 7073-A. Where the notice of appeal fails to supply sufficient information on which to determine a specific basis for an appeal, the Commission need not reach the substantive issues of the case. *Clover Park School District*, Decision 7073-A (citing *City of Kirkland*, Decision 6377-A).

The notice of appeal in this case is insufficiently detailed. Waiver of the notice requirements in Chapter 391-25 or the timeliness requirements in Chapter 391-08 does not effectuate the purposes of those rules, and neither furthers the statutory policies of "communication" and "orderly dispute resolution", nor promotes peace in labor relations. *Mason County*, Decision 3108-B. We see no reason to depart from these precedents now.

Although we dismiss this case on procedural grounds, we also use the underlying facts of this case to reiterate to employees that the burden of proof in nonassociation cases rests with the employee, and that in order to sustain the burden, the employee must specifically articulate a religious belief, and demonstrate a nexus between that belief and opposition to unions. See *Quincy-Columbia Basin Irrigation District*, Decision 7842 (PECB, 2002). If an employee cannot prove a connection between a bona fide religious belief and opposition to union membership, an exemption will not be granted. *Mount Baker School District*, Decision 7467 (PECB, 2001).

ORDERED

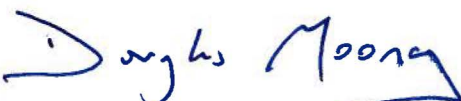
1. The notice of appeal is DISMISSED on procedural grounds.
2. The Findings of Fact, Conclusions of Law, and Order issued by Examiner Lisa A. Hartrich in the above-captioned case shall stand as the final order of the agency on the merits of the case.

Issued at Olympia, Washington, the 11th day of April, 2007.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, (Chairperson)


PAMELA G. BRADBURN, Commissioner


DOUGLAS G. MOONEY, Commissioner