

City of Seattle, Decision 6702 (PECB, 1999)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

SEATTLE POLICE OFFICERS' GUILD,)	
)	
Complainant,)	CASE 14054-U-98-03476
)	
vs.)	DECISION 6702 - PECB
)	
CITY OF SEATTLE,)	ORDER OF DISMISSAL
)	
Respondent.)	
)	
)	

Aitchison & Vick, Inc., by Christopher K. Vick, Attorney at Law, appeared on behalf of the complainant.

Mark H. Sidran, Seattle City Attorney, by Leigh Ann Collings Tift, Assistant City Attorney, appeared on behalf of the respondent.

On July 27, 1998, the Seattle Police Officers' Guild (union) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming the City of Seattle (employer) as respondent. The employer was accused of "skimming" work usually and customarily assigned to members of the bargaining unit represented by the union, when it created a new civilian position of "director of public affairs". Furthermore, the union alleged that the employer refused the union's request to bargain this alleged change in responsibilities, and also refused to provide information that the union deemed relevant to bargaining on the issue.

The Executive Director issued a preliminary ruling on August 26, 1998, under WAC 391-45-110, finding a cause of action to exist on

the union's charges,¹ and designating the undersigned as Examiner to conduct further proceedings in the matter.

The employer filed its answer to the complaint on September 15, 1998. It denied the specific allegations contained in the complaint. A hearing was set for November 19, 1998. The hearing was continued to February 8, 1999, at the request of the union, with indication that the parties were engaged in settlement discussions. The hearing was subsequently postponed indefinitely, based upon information that the matter continued to be the subject of settlement discussions.

On February 10, 1999, counsel for the employer sent a letter to counsel for the union, indicating that she had executed a settlement agreement and stating her expectation that the complaint would be withdrawn. A copy of that letter was filed with the Examiner. Upon receipt of that letter, the Examiner contacted the counsel for the union to determine the status of the case. The union's attorney was not available at that time. Several subsequent inquiries by telephone, including an inquiry as recent as June 1, 1999, were met with the same lack of response.

The complainant in an unfair labor practice case has the burdens of investigation and prosecution, as well as the burden of proof. In the absence of any response from the union to either the letter from the employer or the inquiries from the Examiner, the Examiner concludes that the above-captioned case has been abandoned.

¹ At this stage of the proceedings, all of the facts alleged in the complaint are assumed to be true and provable. The question at hand is whether the complaint as filed, states a cause for relief available through unfair labor practice proceedings before the Commission.

NOW THEREFORE, it is

ORDERED

The complaint charging unfair labor practices filed in the above-captioned matter is hereby DISMISSED.

Issued at Olympia, Washington, this 8th day of June, 1999.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in cursive script, appearing to read "Walter M. Stuteville".

WALTER M. STUTEVILLE, Examiner

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.