

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

INTERNATIONAL LONGSHORE AND)	
WAREHOUSE UNION, LOCAL 9,)	
)	
Complainant,)	CASE 15108-U-00-3861
)	
vs.)	DECISION 7320 - PECB
)	
PORT OF SEATTLE,)	ORDER OF DISMISSAL
)	
Respondent.)	
)	

On March 27, 2000, International Longshore and Warehouse Union, Local 9 (union), filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming the Port of Seattle (employer) as respondent. The union alleged that the employer had violated RCW 41.56.140(4) by failing to bargain in good faith regarding contracting out of sweeping and cleaning work at the Pier 66 / Bell Street Terminal. The complaint was processed under WAC 391-45-110,¹ and a cause of action was found to exist. A preliminary ruling was issued on April 6, 2000, directing the employer to file an answer. In a letter dated April 12, 2000, J. Martin Smith was designated as Examiner in the above-captioned case.² On April 26, 2000, the employer filed its answer to the complaint in this matter.

¹ At that stage of the proceedings, all of the facts set forth in a complaint are assumed to be true and provable. The question at hand is whether the complaint states a cause of action for unfair labor practice proceedings before the Commission.

² Another case involving the Bell Street Terminal, Case 15114-U-00-3814, was eventually assigned to Rex L. Lacy.

In a letter filed May 30, 2000, counsel for the union notified the Commission's Director of Administration that an "interim settlement" of Case 15108-U-00-3813 had been reached by the parties. The Commission was asked to hold the case "in abeyance" pending further negotiations which were to take place between the parties in November of 2000. The processing of the case was thus suspended, and no hearing date was set. No other documentation of that settlement was furnished to the Commission.

In January of 2001, the Examiner directed the parties to "show cause" why the case should not be dismissed, and set January 26, 2001, as the deadline for either party to assert that any issue of fact remained to be addressed at a hearing. January 26, 2001, was the due date for the show cause submissions. Nothing further was heard or received from the parties on this case.


NOW, THEREFORE it is

ORDERED

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

Issued at Olympia, Washington, this 20th day of March, 2001.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



J. MARTIN SMITH, 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.