

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

TEAMSTERS UNION, LOCAL 763,)	
)	
Complainant,)	CASE 15603-U-01-3956
)	
vs.)	DECISION 8274 - PECB
)	
SNOHOMISH COUNTY,)	
)	
Respondent.)	ORDER OF DISMISSAL
)	
)	

On January 25, 2001, Teamsters Union, Local 763 (union) filed two complaints charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming Snohomish County (employer) as respondent. Case 15602-U-01-3955 was docketed for allegations involving a corrections support services bargaining unit. An Order Closing Case was issued by the Commission's Executive Director on August 2, 2002, after the union requested in writing that the complaint be withdrawn. See *Snohomish County*, Decision 7804 (PECB, 2002).

Case 15603-U-01-3956 was docketed for allegations involving a custody/corrections officer unit. On October 14, 2003, a show cause directive was issued by the Commission's Unfair Labor Practice Manager providing the union with a period of 14 days in which to show good cause why the complaint should not be dismissed for lack of prosecution. No further information has been filed by the union. The Unfair Labor Practice Manager dismisses the complaint for lack of prosecution.

DISCUSSION

On March 16, 2001, a preliminary ruling and deferral inquiry was issued under WAC 391-45-110, finding a cause of action for the following allegations:

Employer refusal to bargain in violation of RCW 41.56.140(4) [and derivative "interference" in violation of RCW 41.56.140(1)], by its unilateral change in shift and vacation bid processes for the Indian Ridge facility, without providing an opportunity for bargaining.

After the filing of answers to the complaints by the employer, the complaints were deferred to arbitration under WAC 391-45-110(3) by the Director of Administration on May 14, 2001. The deferral letter requested that the parties supply the Commission with a copy of any arbitration award.

In June 2002, through a phone call initiated by the Director of Administration, the union attorney's office indicated that an arbitration award had been issued. On July 10, 2002, the Director of Administration sent a letter to the parties requesting that the union review the award in relation to WAC 391-45-110(3). The letter indicated that if the union wished to proceed further with processing of the cases, a copy of the award must be submitted to the Commission. The union has not submitted a copy of the award to the Commission.

On August 1, 2002, the union filed a response to the July 10 letter indicating that as the issues in Case 15602-U-01-3955 had been resolved, the union was withdrawing that complaint. In relation to Case 15603-U-01-3956, the union requested that the Commission continue to defer the complaint to arbitration, as an issue

concerning overtime opportunities was scheduled for hearing by an arbitrator on November 12, 2002.

On June 4, 2003, the Director of Administration was informed by the union attorney's office that the parties had received an arbitration award but the arbitrator still had jurisdiction over remedies. Additional phone calls were placed by the Director of Administration to the union attorney's office on August 25 and September 8, 2003, requesting a status update on the case. No response was received to those calls.

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 13th day of November, 2003.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARK S. DOWNING, Unfair Labor Practice Manager

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.