

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

WOODWORKERS LOCAL LODGE W38,)	
I.A.M.,)	
)	
Complainant,)	CASE 20548-U-06-5233
)	
vs.)	DECISION 9572 - PECB
)	
MASON COUNTY,)	
)	
Respondent.)	ORDER OF DISMISSAL
_____)	

On July 28, 2006, Woodworkers Local Lodge W38, I.A.M. (union) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming Mason County (employer) as respondent. The complaint concerns a bargaining unit of deputy sheriff employees. The complaint was reviewed under WAC 391-45-110¹ and a preliminary ruling and deferral inquiry was issued on October 2, finding a cause of action for the following allegations of the complaint:

Employer interference with employee rights in violation of RCW 41.56.140(1) and refusal to bargain in violation of RCW 41.56.140(4), by its unilateral change in cash out of compensatory time without providing an opportunity for bargaining.

The employer filed an answer to the complaint on October 23.

On December 22, a certification was issued in Case 20700-E-06-3189 indicating that unit employees had chosen the Mason County Sheriffs

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, as a matter of law, the complaint states a claim for relief available through unfair labor practice proceedings before the Public Employment Relations Commission.

Office Employees Guild (Guild) as their bargaining representative. See *Mason County*, Decision 9522 (PECB, 2006).

The refusal to bargain provisions of RCW 41.56.140(4) can only be enforced by an exclusive bargaining representative. As of December 22, the union is no longer the exclusive bargaining representative for deputy sheriff employees.

On January 9, 2007, a show cause directive was issued indicating that the union lacks standing to pursue its refusal to bargain allegations in this case. The union was advised that unless good cause was shown within 14 days, the complaint would be dismissed for lack of standing.

No further information has been filed by the union. The Unfair Labor Practice Manager dismisses the complaint for lack of standing.

NOW, THEREFORE, it is

ORDERED

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

ISSUED at Olympia, Washington, this 29th day of January, 2007.

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.