

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

INTERNATIONAL ASSOCIATION OF)	
FIRE FIGHTERS, LOCAL 3542,)	
)	
Complainant,)	CASE 20064-U-06-5103
)	
vs.)	DECISION 9688 - PECB
)	
CITY OF SUNNYSIDE,)	ORDER OF DISMISSAL
)	
Respondent.)	
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CITY OF SUNNYSIDE,)	
)	
Complainant,)	CASE 20215-U-06-5153
)	
vs.)	DECISION 9689 - PECB
)	
INTERNATIONAL ASSOCIATION OF)	
FIRE FIGHTERS, LOCAL 3542,)	ASSIGNMENT OF EXAMINER
)	AND ORDER FOR FURTHER
Respondent.)	PROCEEDINGS
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Emmal Skalbania and Vinnedge, by *Alex J. Skalbania*, for the union.

Menke and Jackson, by *Anthony F. Menke*, for the employer.

On December 29, 2005, the City of Sunnyside (employer) and the International Association of Fire Fighters, Local 3542 (union) filed a joint request with the Commission for arbitration of a grievance. In the grievance, the union claimed that a change of work schedule, including an elimination of "Kelly Days," had violated the parties' collective bargaining agreement. The case was docketed as 20039-A-05-1425 and was assigned to Katrina Boedecker from the Commission's staff, as arbitrator.¹

¹ A second grievance involving the same parties, concerning payment for overtime in excess of scheduled work was also assigned and decided at the same time, Case 20469-A-05-1432.

On January 5, 2006, the union filed a complaint charging the employer with committing certain unfair labor practices. The case was docketed as case 20064-U-06-5103. It alleged that the employer had unilaterally eliminated Kelly Days, without providing an opportunity for bargaining. The allegation was found to state a cause of action and the matter was set for hearing by the under-signed Examiner on June 27 and 28, 2006.

On February 24, 2006, the employer filed a complaint of unfair labor practices against the union. The case was docketed as case 20215-U-06-5153. It alleged that the union made regressive proposals in collective bargaining negotiations concerning wages and hours of work.

On May 19, 2006, the parties were sent a letter inquiring about the propriety of deferring Case 20064-U-06-5103 to the arbitration which had been assigned to Arbitrator Boedecker. The parties agreed to the deferral, but the union asked that Case 20215-U-06-5153 also be deferred.

Based upon the information filed by the parties:

- * Case 20039-A-05-1425 went forward before Arbitrator Boedecker.
- * Case 20064-U-06-5106 was deferred under WAC 391-45-110.
- * Case 20215-U-06-5153 was held in abeyance until such time as the above-reference arbitration is issued to permit the parties to adjust their positions in the on-going contract negotiations and perhaps eliminate the need for further proceedings.

On April 24, 2007, Arbitrator Boedecker issued her award. She found that the employer had implemented a new work schedule and eliminated "Kelly Days" in accordance and compliance with the provisions of the parties' collective bargaining agreement. Therefore, the grievance filed by the union was denied.

The arbitration award complies with the Commission's "deferral to arbitration" policies set forth in *Stevens County*, Decision 2602 (PECB, 1987) and WAC 391-45-110(a). Therefore, the arbitration award leaves no issue upon which an unfair labor practice could be found in case 20064-U-06-5103.

ORDER

Case 20064-U-06-5103:

The complaint charging unfair labor practices in this matter is dismissed.

Case 20215-U-06-5153:

The complaint charging unfair labor practices in this matter is assigned to Commission Examiner Robin Romeo for further proceedings.

ISSUED at Olympia, Washington, this 25th day of May, 2007.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



WALTER M. STUTEVILLE, Field Service 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.