

King County, Decision 10254 (PECB)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

KING COUNTY,	)	
	)	
Employer.	)	
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CLINTON DEVOSS,	)	
	)	
Complainant,	)	CASE 18635-U-04-4740
	)	
vs.	)	DECISION 10254 - PECB
	)	
AMALGAMATED TRANSIT UNION	)	
LOCAL 587,	)	ORDER OF DISMISSAL
	)	
Respondent.	)	
_____	)	

*Clinton DeVoss*, for the complainant.

The Rosen Law Firm, by *Jon H. Rosen*, Attorney at Law, for the union.

On June 21, 2004, Clinton DeVoss (complainant) filed a complaint charging unfair labor practices against Amalgamated Transit Union, Local 587. On the same date, DeVoss filed a separate complaint naming King County as respondent (Case 18636-U-04-4741). In that case, the employer was alleged to have interfered with employee rights by its refusal to allow DeVoss to post a particular flyer on employer bulletin boards. Both the union and the employer were alleged to have interfered with employee rights by having negotiated a provision in their collective bargaining agreement that restricted the rights of employees to post materials on certain employer bulletin boards. The two complaints were originally consolidated for further proceedings.

The parties to the two cases ultimately requested that the cases be separated for processing, and that processing of the complaint against the union be suspended until a decision had been issued in the complaint against the employer. The Examiner determined that

summary judgment was appropriate in that matter, and issued a decision on June 6, 2007 (Decision 9692). That decision dismissed the portion of the complaint against the employer concerning the contract language providing for restrictions on materials that could be posted on employer bulletin boards, but found a violation against the employer for its refusal to allow DeVoss to post a particular flyer on its bulletin boards.

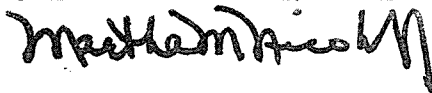
The only allegation in the case against the union was the same allegation that was dismissed in the case against the employer. The allegation in the complaint against the union was supported by virtually the same set of stipulations and the same set of documents as provided in the complaint against the employer. The Examiner wrote to the parties on November 18, 2008, noting those facts, and further noting that nothing had been heard from the complainant regarding processing of the case against the union since the issuance of the decision in the case against the employer. The parties were notified that, absent further information from the complainant on or before December 2, 2008, this case would be dismissed for lack of prosecution. Nothing further has been heard or received from the complainant.

ORDER

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

ISSUED at Olympia, Washington, this 12<sup>th</sup> day of December, 2008.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARTHA M. NICOLOFF, 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.