

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

TACOMA POLICE UNION, LOCAL 6,	)	
	)	
Complainant,	)	CASE 12713-U-96-3049
	)	
vs.	)	DECISION 5686-A - PECB
	)	
CITY OF TACOMA,	)	ORDER OF DISMISSAL
	)	
Respondent.	)	
	)	
	)	

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The complaint charging unfair labor practices in the above-referenced matter was filed with the Public Employment Relations Commission in 1996. The Tacoma Police Union, Local 6, (union) alleged that the City of Tacoma (employer) was about to unilaterally implement a change of civil service procedures for promotions within the bargaining unit represented by the union, in regard to preferences for minority applicants. The complaint was the subject of a preliminary ruling issued under WAC 391-45-110,<sup>1</sup> and the employer also filed its answer to the complaint in 1996.<sup>2</sup>

Examiner Mark S. Downing issued a Notice of Hearing, scheduling a hearing for December 18 and 19, 1996. The hearing has been

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<sup>1</sup> At this stage of the proceedings, all facts alleged in a complaint are assumed to be true and provable. The inquiry is whether the complaint states a cause of action for unfair labor practice proceedings.

<sup>2</sup> The union moved for temporary relief under WAC 391-45-430. Following oral argument, the Commission authorized the Executive Director (with assistance of the Attorney General) to seek temporary relief. See, City of Tacoma, Decision 5686 (PECB, 1996). On November 15, 1996, the Superior Court for Pierce County granted an injunction, preventing implementation of the changes.

continued numerous times, based upon requests from the parties and related developments, particularly including:

- In January of 1997, each party filed a motion for summary judgment. Briefs in support of those motions were filed by March 31, 1997.
- Initiative 200, which was passed by state voters in November of 1998, and took effect on December 3, 1998, affects the validity of hiring preferences for minorities.
- In a letter issued on January 27, 1999, the undersigned advised the parties that the preliminary ruling in this case was being reconsidered, in light of Initiative 200. The parties were given 14 days to file statements of position on the effects, if any, of Initiative 200.
- The parties requested an extension of the deadline for them to file statements of their positions, advising that they were in negotiations concerning the underlying issues.
- The parties subsequently advised the Commission that they had settled their differences, but a written request for withdrawal of the complaint was not filed at that time.
- Neither party has responded to a "Show Cause Directive" issued on January 25, 2000, in which the foregoing history was reviewed and the parties were given a period of 14 days in which to show cause why the complaint should not be dismissed for lack of prosecution.

In fact, other than a letter dated April 12, 1999, in which the employer advised that it was attempting to negotiate a settlement with its Joint Labor Committee similar to that negotiated for the

above-referenced case, nothing further has been received from the parties.


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 24<sup>TH</sup> day of February, 2000.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
MARVIN L. SCHURKE, Executive Director

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.