

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

PORT OF SEATTLE,)	
)	
Employer.)	
-----)	
WILLIAM GLOVER,)	CASE 16080-U-01-4105
)	
Complainant,)	DECISION 7604-A - PECB
)	
vs.)	
)	
IBEW, LOCAL 46,)	DECISION OF COMMISSION
)	
Respondent.)	
)	
_____)	

This case comes before the Commission on an appeal filed by William Glover, seeking to overturn an order of dismissal issued by Director of Administration Mark S. Downing.¹ We dismiss the appeal as untimely.

The time limit for appeals is established by WAC 391-45-350(1), which states as follows:

The due date for a notice of appeal *shall be twenty days* following the date of issuance of the order being appealed. The time for filing a notice of appeal *cannot be extended*.

(emphasis added).

¹ Port of Seattle, Decision 7603 and 7604 (PECB, 2002). A preliminary ruling and order for further proceedings was issued in Port of Seattle, Decision 7603, *supra* (Case 16079-U-01-4105).

The Commission has strictly enforced the time limits for filing appeals and has dismissed untimely appeals in numerous cases. See *City of Spokane*, Decision 6748-B (PECB, 1999) (where notice of appeal arrived two days late); *Valley Communications Center*, Decision 6097-A (PECB, 1998) (where notice of appeal arrived 10 minutes after the end of business hours on the day it was due, and so was considered "filed" on the next business day).

The Commission has only waived the time limits for appeals where the agency's staff or rules contributed to the late filing. *City of Tukwila*, Decision 2434-A (PECB, 1987) (waiving time for filing where party filing untimely objections relied upon erroneous advice from member of agency's staff); *Island County*, Decision 5147-C (PECB, 1996) (waiving time for filing based on conclusion that the then-existing rule prohibiting filings by "fax" was not clear). See also *City of Richland*, Decision 6120-B (PECB, 1998), *aff'd*, Decision 6120-C (citations omitted). Here, there is no claim or evidence of an agency error or an ambiguous rule.

The Supreme Court of the State of Washington has similarly required strict compliance with time limits in a case arising out of Chapter 41.56 RCW. *City of Seattle v. PERC*, 116 Wn.2d 923 (1991).

The order of dismissal in this case was issued on January 17, 2002. The deadline for appeal was February 6, 2002. Glover did not file his notice of appeal until February 7, 2002. Thus, the notice of appeal was one day late.

NOW, THEREFORE, it is

ORDERED

1. The employee's notice of appeal is DISMISSED on procedural grounds.
2. The order of dismissal issued in the above-entitled matter on January 17, 2002, by Director of Administration Mark S. Downing, shall stand under WAC 391-45-350 as the final order of the agency.

Issued at Olympia, Washington, on the 14th day of May, 2002.

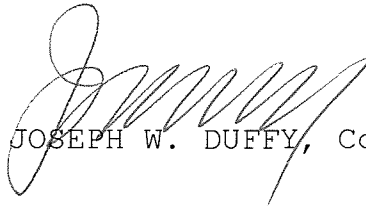
PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARILYN GLENN SAYAN, Chairperson



SAM KINVILLE, Commissioner



JOSEPH W. DUFFY, Commissioner