

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

SNOHOMISH COUNTY,)	
)	
Complainant,)	CASE 18582-U-04-4727
)	
vs.)	DECISION 8733 - PECB
)	
SNOHOMISH COUNTY DEPUTY SHERIFF'S)	
ASSOCIATION,)	ORDER ON EMPLOYER'S
)	MOTION FOR SUMMARY
Respondent.)	JUDGMENT
)	

Lawrence B. Hannah and Thomas E. Platt, Perkins Coie, appeared on behalf of the employer.

Jeffery Julius, Aitchison & Vick, appeared on behalf of the union.

On June 1, 2004, Snohomish County (employer) filed a complaint charging that the certified bargaining representative of its deputy sheriffs, the Snohomish County Deputy Sheriff's Association (union) had committed an unfair labor practice. On June 21, 2004, the Commission issued a preliminary ruling on the matter and found that a cause of action does exist and ordered that the union file a timely answer to the complaint.¹ The preliminary ruling also consolidated the case with cases 18584-U-04-4729 and 18600-U-04-4733. All three cases involve the same parties and concern issues and procedures relating to recent collective bargaining between this employer and this union for a successor agreement.

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On July 8, 2004, the union responded to the preliminary ruling and filed a timely answer. On July 30, 2004, this case was scheduled for hearing on November 11, 12 and 30, 2004, by the undersigned Examiner.

¹ For purposes of a preliminary ruling it is assumed that all of the facts alleged in the complaint are true and provable.

On August 10, 2004, the employer filed a motion for summary judgment in this matter. Proof that the union was duly served with the motion was included with the filing. On August 12, 2004, the Examiner issued an order for the union to respond to the motion within 10 days of the order. After a conversation with counsel for the union concerning only the timing of the order, a modified order was issued setting September 15, 2004, as the date to file any response.

The union's response was received on September 15, 2004. In its response, the union agreed with the position of the employer that there are no material facts in this case and that a summary judgment in this matter is appropriate. Pursuant to this order, a responsive briefing schedule will be established by the under-signed.


NOW, THEREFORE, it is

ORDERED

The motion by the employer for summary judgment in the above-entitled case is hereby granted.

ISSUED at Olympia, Washington, on the 22nd day of September, 2004.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



WALTER M. STUTEVILLE, Examiner