

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:	)	
	)	
TEAMSTERS UNION, LOCAL 763	)	CASE 18799-C-04-1213
	)	
For clarification of an existing	)	DECISION 8957 - PECB
bargaining unit of employees of:	)	
	)	
CITY OF SNOQUALMIE	)	ORDER OF DISMISSAL
	)	
	)	
	)	

On August 25, 2004, Teamsters Union, Local 763 (union) filed a petition for clarification of an existing bargaining unit of employees of the City of Snoqualmie (employer). The petition asserted that a recycling/grant coordinator position was new, and should be included in the bargaining unit represented by the union on the basis that the incumbent performs bargaining unit work.

On September 30, 2004, Hearing Officer Dianne E. Ramerman issued a notice for a hearing to be held on December 3, 2004. On November 24, 2004, the employer notified the Hearing Officer that it no longer opposed inclusion of the recycling/grant coordinator in the bargaining unit, that it had notified the union of its decision, and that the union indicated it would withdraw the petition. The Hearing Officer confirmed the parties' agreement with the union, and the hearing was canceled. A written withdrawal of the petition was not forthcoming from the union, however.

WAC 391-35-070 permits *the petitioner* to withdraw a unit clarification petition, and agency practice generally requires written confirmation of settlement information provided to a staff member by means other than a written withdrawal. In this case, the

Hearing Officer contacted the union several times between late 2004 and early 2005, but the union did not provide a written withdrawal of the petition. On February 23, 2005, the Hearing Officer sent a letter directing the union to show cause why its petition should not be dismissed.

The union has not responded to the show cause directive. The Executive Director has considered the matter, and concludes that the petition should be dismissed for lack of prosecution.

NOW, THEREFORE, it is

ORDERED

The petition for clarification of an existing bargaining unit filed in this matter is DISMISSED.

Issued at Olympia, Washington, on the 27<sup>th</sup> day of May, 2005.

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 391-35-210.