

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)
RALPH P. BRESEE)
For determination of a dispute) CASE 11136-D-94-109
concerning union security arising)
under a collective bargaining) DECISION 5378-B - PECB
agreement between:)
CITY OF SEATTLE)
and) DECISION OF COMMISSION
CARPENTERS UNION, LOCAL 131)
_____)

Ralph P. Bresee, appeared pro se.

Mark H. Sidran, City Attorney, by Marilyn F. Sherron, Assistant City Attorney, appeared on behalf of the employer.

Bob Zappone, Business Representative, appeared on behalf of the union.

This matter previously came before the Commission on a petition for review filed by Ralph P. Bresee, seeking to overturn a decision issued by Examiner Kathleen O. Erskine.¹ The parties stipulated that Bresee was eligible to assert a right of nonassociation, and the Examiner designated Northwest Harvest as the charitable organization to which Bresee was to make alternative payments under union security provisions of a collective bargaining agreement between the City of Seattle (employer) and District Council of Carpenters, Local 131 (union).

¹ City of Seattle, Decision 5378 (PECB, 1995).

Bresee asserted that Northwest Harvest has a potentially religious nature, and the union acknowledged that there was a religious connection. The Commission looked to the union's alternative suggestion of King County Food Bank and, on April 16, 1996, allowed Bresee 14 days to file information raising a factual claim that the King County Food Bank is not a nonreligious charity.² The time period has passed, Bresee did not file any materials in response to the previous order, and the case is again before the Commission.

NOW, THEREFORE, the Commission makes the following:

AMENDED FINDINGS OF FACT

1. The City of Seattle is a municipal corporation of the state of Washington, and is a "public employer" within the meaning of RCW 41.56.020 and RCW 41.56.030(1).
2. Carpenters Union, Local 131, a "bargaining representative" within the meaning of RCW 41.56.030(3), is the exclusive bargaining representative of a bargaining unit of City of Seattle employees which includes building inspectors, carpenters, and bridge maintenance employees.
3. Ralph Bresee is employed by the City of Seattle as a building inspector. His position is within the bargaining unit represented by Local 131.
4. A collective bargaining agreement existed between the employer and Local 131 for the period from September 8, 1992 through December 31, 1994. That contract contained a union security clause which safeguarded the right of nonassociation of public employees based on bona fide religious tenets or teachings of

² City of Seattle, Decision 5378-A (PECB, 1996).

a church or religious body of which such public employee is a member.

5. Ralph Bresee asserted a right of nonassociation. Local 131 stipulated in this proceeding that Bresee is entitled to nonassociation under RCW 41.56.122.
6. All of the charitable organizations proposed by Bresee to receive his alternative payments are religious organizations affiliated with the Roman Catholic church.
7. Local 131 and Ralph Bresee are unable to agree on a charitable organization to which Bresee can make alternative payments in an amount equivalent to regular union dues and initiation fees.
8. Among others, Local 131 has proposed that Bresee make alternative payments to King County Food Bank, a charitable organization which has no religious affiliation. Bresee was permitted a time period in which to raise a claim that King County Food Bank was not a nonreligious organization. Bresee did not respond within that time period.

AMENDED CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to Chapter 41.56 RCW and Chapter 391-95 WAC.
2. The charitable organizations proposed by Ralph Bresee for his alternative payments do not qualify under RCW 41.56.122, in the absence of agreement between Bresee and Local 131 to designate a religious organization.

3. King County Food Bank is a nonreligious charitable organization which qualifies to receive alternative payments under RCW 41.56.122.

AMENDED ORDER

Ralph Bresee is directed to make his alternative payment of union dues and fees to King County Food Bank, and shall furnish proof to Carpenters Union, Local 131 that such payments have been made.

Issued at Olympia, Washington, the 3rd day of May, 1996.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


SAM KINVILLE, Commissioner