

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
)	CASE NO. 7040-D-87-74
KITSAP HUMANE SOCIETY)	
)	DECISION 2819 - PECB
for a declaratory ruling.)	
)	ORDER OF DISMISSAL
_____)	

By a letter filed with the Public Employment Relations Commission on September 28, 1987, the Kitsap Humane Society requested "a determination . . . whether our employees are considered 'public employees' under State regulations." The letter made reference to RCW 41.56.080 and to "the . . . Landermill (sic) case." The case number indicated above was assigned for record-keeping purposes.

On October 21, 1987, the Kitsap Humane Society was advised that the ministerial act of assigning a case number did not indicate any substantive decision would be made on the matter, and that the inquiry did not appear to raise a case or controversy under the Public Employees Collective Bargaining Act, Chapter 41.56 RCW, or any other statute or rule administered by the Public Employment Relations Commission.

We are familiar with the decision of the Supreme Court of the United States in Cleveland Board of Education v. Loudermill, ___ U.S. ___, 118 LRRM 3041 (1985), but note that decision was based on federal constitutional principles rather than on the application or enforcement of any state law or rule administered by the Public Employment Relations Commission. As an administrative agency of the State of Washington, the Public

Employment Relations Commission has authority under RCW 34.04.080 to issue a declaratory ruling with respect to:

. . . the applicability to any person,
property or state of facts of any rule or
statute enforceable by it.

The Commission has adopted WAC 391-08-500 and WAC 391-08-510 to regulate the filing and processing of declaratory ruling proceedings. The petitioner was advised that its request for a ruling was insufficient and would be dismissed unless an amended petition were filed. Nothing further has been received from the petitioner, and the time allowed for filing of an amended petition has passed.

NOW, THEREFORE, it is

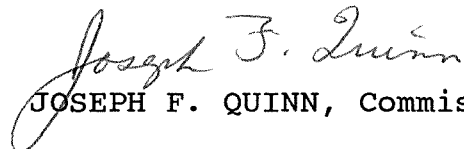
ORDERED

The petition for declaratory ruling filed in the above-entitled matter is DISMISSED.

DATED at Olympia, Washington, this 9th day of December, 1987.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


JANE R. WILKINSON, Chairman


JOSEPH F. QUINN, Commissioner

Commissioner Mark C. Endresen
did not take part in the
consideration of this case.