

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
GORDON W. ROSIER)	CASE NO. 1974-D-79-16
For declaratory ruling concerning)	DECISION NO. 1323 - EDUC
his union security obligations)	
under a collective bargaining)	
agreement between:)	
MUKILTEO SCHOOL DISTRICT)	ORDER DENYING MOTION
and)	FOR SUMMARY JUDGEMENT
MUKILTEO EDUCATION ASSOCIATION)	

On November 16, 1981, Hearing Officer Ronald L. Meeker issued his Statement of Results of Pre-Hearing Conference in the captioned matter pursuant to WAC 391-08-220. On the same date, the parties were advised that the scheduling of a formal hearing would be delayed awaiting the filing of responses to the Statement of Results of Pre-Hearing Conference and other appropriate motions.

On November 25, 1981, Mr. Rosier filed objections to the statement of results alleging certain errors in the Hearing Officer's interpretation of facts presented at the pre-hearing conference. On December 6, 1981, the Mukilteo Education Association filed a motion for summary judgement.^{1/}

After reviewing the documents submitted, it appears that disputed factual issues exist, making it inappropriate to grant a summary judgement pursuant to WAC 391-08-230. Further hearing in the matter is called for.

^{1/} The motion was filed in reference to Case No. 2480-U-79-356, a previous case involving the same parties, instead of the case number in this matter. However, the Association makes reference to the pre-hearing conference conducted by Mr. Meeker, and it is apparent that the reference to the unfair labor practice case was an oversight.

NOW, THEREFORE IT IS

ORDERED

1. The motion for summary judgement filed by the Mukilteo Education Association is hereby denied.
2. The matter is assigned to Kenneth J. Latsch of the Commission staff for further hearing and other proceedings pursuant to Chapter 391-95 WAC.

DATED at Olympia, Washington this 7th day of December, 1981.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director