

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

UNIVERSITY OF WASHINGTON

For a declaratory order involving:

SERVICE EMPLOYEES
INTERNATIONAL UNION, LOCAL 925

and

WASHINGTON FEDERATION OF
STATE EMPLOYEES.

CASE 24272-D-11-00126

DECISION 11196 - PSRA

DECISION OF COMMISSION

Attorney General Robert M. McKenna, by *Mark K. Yamashita*, Assistant Attorney General, for the employer.

On September 23, 2011, the University of Washington (UW/employer) filed a petition for a Declaratory Order pursuant to WAC 391-08-520. In the petition, the employer requested clarification on how to comply with *University of Washington*, Decision 11075 (PSRA, 2011), and whether the employees at the UW Medicine Contact Center are represented, and, if so, by whom.

There are five cases relating to the employer's petition for declaratory order pending before this agency. When the employer filed its petition for declaratory order, it also filed a petition for unit clarification, case 24270-C-11-1466, which relates to the petition for declaratory order. The question presented by the employer in its petition for clarification involves the same body of work addressed in the petition for declaratory order. The Washington Federation of State Employees (WFSE) filed three cases: a petition for investigation of a question concerning representation, case 23546-E-10-3593; a petition for unit clarification, case 23495-C-10-1493; and an unfair labor practice complaint, case 23515-U-10-5995; all of which relate to the subject

of the employer's petition for a declaratory order. The WFSE's petition for investigation of a question concerning representation and petition for clarification are blocked by the unfair labor practice complaint.

An Examiner ruled on the unfair labor practice complaint filed by WFSE. *University of Washington*, Decision 11075. The employer appealed the Examiner's decision to this Commission. The employer's appeal is currently pending before this Commission.

The employer's petition for declaratory order must be dismissed because "the Commission shall not issue a declaratory order if the matter is or could have been the subject of any other adjudicative proceeding before the commission." WAC 391-08-520(3)(a). The employer's petition for a declaratory order is premature because the employer's appeal is currently pending before this Commission and that appeal is the subject of the employer's petition for a declaratory order.

NOW, THEREFORE, it is


ORDERED

The employer's petition for a declaratory order is dismissed.

ISSUED at Olympia, Washington, this 12th day of October, 2011.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


PAMELA G. BRADBURN, Commissioner


THOMAS W. McLANE, Commissioner



PUBLIC EMPLOYMENT RELATIONS COMMISSION

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PUBLIC EMPLOYMENT RELATIONS COMMISSION


BY: /s/ ROBBIE DUFFIELD

CASE NUMBER: 24272-D-11-00126 FILED: 09/23/2011 FILED BY: EMPLOYER
DISPUTE: DECLARATORY
BAR UNIT: ALL EMPLOYEES
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COMMENTS:

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