

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:	)	
	)	
TEAMSTERS UNION LOCAL NO. 763	)	Case No. 1170-E-77-219
	)	
Involving certain employees of:	)	DECISION NO. 395-B, PECB
	)	
CITY OF ISSAQUAH	)	ORDER SETTING TIME FOR
	)	FILING APPEAL BRIEFS
	)	
	)	

This case was filed in November, 1977. At that time, Chapter 391-20 WAC was in effect. Those rules provided for the exercise of a right of appeal by filing of a notice of appeal within a specified period following the issuance of a certification by a member of the agency staff.

In December, 1977, the Commission adopted Chapter 391-21 WAC as new rules, effective February 1, 1978, for the processing of cases under RCW 41.56. Under WAC 391-21-136, the right of appeal must be exercised by filing of objections during the five-day period following the issuance of a tally.

This case was set for a hearing date in January, 1978. The employer claims that the agency provided it with a copy of Chapter 391-20 WAC for its use in connection with that hearing. The decision of the Executive Director, the cross-check, the issuance of the tally and the issuance of the certification all occurred after February 1, 1978.

The employer's notice of appeal filed after issuance of the certification would have been timely under the provisions of Chapter 391-20 WAC, but untimely under the provisions of Chapter 391-21 WAC. In this case, however, it appears that there has been bona fide confusion which may have been contributed to by the agency. The Commission has determined to consider the merits of the case on appeal.

NOW, THEREFORE, it is

ORDERED

The parties shall have the right to file briefs or written arguments on the issue of inclusion of the lieutenant in the petitioned-for bargaining unit. Such briefs shall be filed as provided in WAC 391-21-140(3) within fourteen (14) days following the date of this order.

DATED July 24, 1978

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Mary Ellen Krug  
MARY ELLEN KRUG, Chairman

Michael H. Beck  
MICHAEL H. BECK, Commissioner

Paul A. Roberts  
PAUL A. ROBERTS, Commissioner