

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

INTERNATIONAL ASSOCIATION OF
FIREFIGHTERS, LOCAL I-24

INVOLVING CERTAIN EMPLOYEES
OF:

PROSSER MEMORIAL HOSPITAL

CASE 127562-E-15

DECISION 12485 - PECB

DECISION OF COMMISSION

Ricky J. Walsh, IAFF 7th District VP for the International Association of Fire
Fighters, Local I-24.

Rocky L. Jackson, Attorney at Law, Menke Jackson Beyer, LLP, for the Prosser
Memorial Hospital.

On August 25, 2015, the International Association of Fire Fighters, Local I-24 (union) filed a petition to represent certain employees at Prosser Memorial Hospital (employer). The employer and union disagree as to whether the petitioned-for employees are uniformed personnel under RCW 41.56.030(13)(h). Following an investigation conference, Executive Director Michael P. Sellars suspended processing of the case pending the outcome of the employer's appeal of a Department of Retirement Systems (DRS) decision. The DRS decision on whether the employees were members of the Law Enforcement Officers and Fire Fighters (LEOFF) retirement plan directly impacts whether the employees are uniformed personnel under RCW 41.56.030(13)(h). On October 29, 2015, the Executive Director notified the parties of his decision. On November 17, 2015, the union filed a motion for discretionary review "pursuant to WAC 391-25-660."

WAC 391-25-660 applies to Executive Director decisions issued under WAC 391-25-390. The Executive Director's October 29, 2015 letter was an interlocutory decision, not an appealable order under WAC 391-25-660. Interlocutory decisions are appealable under WAC 391-25-390(4).

Review of an interlocutory decision of the Executive Director must be filed "within seven days after the decision is issued." WAC 391-25-390(4). The Executive Director issued his letter on October 29, 2015. The union filed its appeal on November 17, 2015. The union's appeal was not filed within seven days of the Executive Director's decision and is dismissed as untimely.

NOW, THEREFORE, it is

ORDERED

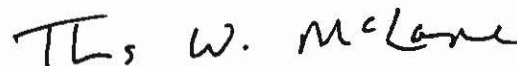
The motion for review is DENIED.

ISSUED at Olympia, Washington, this 24th day of November, 2015.

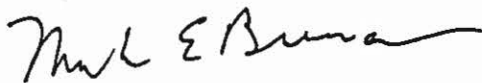
PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARILYN GLENN SAYAN, Chairperson



THOMAS W. McLANE, Commissioner



MARK E. BRENNAN, Commissioner



PUBLIC EMPLOYMENT RELATIONS COMMISSION

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MARILYN GLENN SAYAN, CHAIRPERSON
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MARK E. BRENNAN, COMMISSIONER
MIKE SELLARS, EXECUTIVE DIRECTOR

RECORD OF SERVICE - ISSUED 11/24/2015

DECISION 12485 - PECB has been mailed by the Public Employment Relations Commission to the parties and their representatives listed below:

BY: DEBBIE BATES

CASE NUMBER: 127562-E-15

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