

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

UW HOUSESTAFF ASSOCIATION

Involving certain employees of:

UNIVERSITY OF WASHINGTON

CASE 26163-E-13-3840

DECISION 12064-A - PECB

DECISION OF COMMISSION

Schwerin Campbell Barnard Iglitzin & Lavitt, LLP, by *Danielle Franco-Malone*,
Attorney at Law, for the union.

Davis Wright Tremaine, LLP, by *Henry E. Farber*, Attorney at Law, for the
employer.

On December 24, 2013, the UW Housestaff Association (union) filed a representation petition seeking to represent residents and fellows in ACGME-accredited programs at the University of Washington (employer). On May 22, 2014, Executive Director Michael P. Sellars issued a decision determining that the Public Employment Relations Commission had jurisdiction and remanded the case to the Representation Case Administrator for further investigation.¹ Neither party appealed the Executive Director's decision.

On June 25, 2014, the employer filed a petition to stay the status quo obligation. The employer seeks permission to increase the stipends received by residents and fellows in the petitioned-for bargaining unit.

On June 2, 2014, the union responded to the employer's petition. The union took no position on the authority of the Commission to grant the relief the employer seeks. The union shares the

¹ *University of Washington*, Decision 12064 (PECB, 2014).

employer's belief that the stipends should be increased and waived any right to file an unfair labor practice or election objections should the employer increase the stipends.

When a union files a representation petition, the employer must maintain the status quo concerning wages, hours, or other terms and conditions of employment of employees. WAC 391-25-140(2). The obligation to maintain the status quo is lifted upon an order of dismissal issued under WAC 391-25-390(1)(a). WAC 391-25-140(5). If a timely notice of appeal of the order of dismissal is filed, the obligation to maintain the status quo continues. WAC 391-25-140(5)(a).

The Commission's rules provide a procedure for a party seeking to stay the status quo obligation during the appeal of an order of dismissal. WAC 391-25-140(5)(b):

Where a timely filed notice of appeal reinstates the obligation to maintain the status quo or suspend bargaining, any party to the proceeding may petition the commission to stay either of those obligations where the petitioning party demonstrates a need for a change in terms and conditions of employment due to circumstances that are beyond that party's control, or where the failure to resume bargaining would substantially harm the petitioned-for employees and leave them without an adequate administrative remedy. A petition filed under this subsection shall be accompanied by affidavits and evidence.

The employer petitioned for a stay of its status quo obligation under WAC 391-25-140. This narrow rule is limited to allowing a party to seek a stay of the status quo obligation during an appeal of an order of dismissal. WAC 391-25-140(5)(b). The rule does not allow a party to petition for a stay of the status quo obligation before an order of dismissal. An order of dismissal has not been issued in this case.

We are confined by the procedure in WAC 391-25-140. Consistent with that rule, we cannot rule on the merits of the employer's petition to stay the status quo obligation because the rule does not provide a procedure for a party to petition for a stay of its status quo obligation until after an order of dismissal is issued.

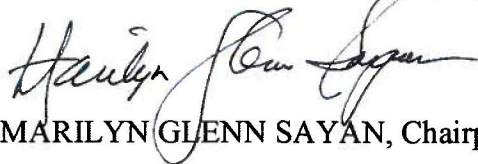
NOW, THEREFORE, it is

ORDERED

The petition for temporary stay of the status quo obligation is denied.

ISSUED at Olympia, Washington, this 11th day of July, 2014.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARILYN GLENN SAYAN, Chairperson



THOMAS W. McLANE, Commissioner



MARK E. BRENNAN, Commissioner



PUBLIC EMPLOYMENT RELATIONS COMMISSION

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PUBLIC EMPLOYMENT RELATIONS COMMISSION

Majel C. Boudia
 BY: /S/ MAJEL C. BOUDIA

CASE NUMBER: 26163-E-13-03840 FILED: 12/24/2013 FILED BY: PARTY 2
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 BAR UNIT: PROFESSIONAL
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