STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION

MOUNT VERNON EDUCATION ASSOCIATION, Complainant, vs. MOUNT VERNON SCHOOL DISTRICT NO. 320, Respondent.	NO. 309-ULW-211 ORDER DENYING MOTION TO MAKE COMPLAINT MORE DEFINITE AND CERTAIN DECISION NO. 125 EDUC

Mount Vernon Education Association having, on June 10, 1976 alleged that Mount Vernon School District No. 320 has engaged in unfair labor practice within the meaning of RCW 41.59.140; and the Executive Director having issued a preliminary ruling in the matter pursuant to WAC 391-20-510; and the Respondent having filed a motion to have the complaint made more definite and certain; and the undersigned having considered the matter and being satisfied that the motion should be denied;

NOW, THEREFORE, IT IS

ORDERED

1. That the Motion to Make Complaint More Definite and Certain filed by the Respondent in the above entitled matter be, and hereby is, denied.

2. That the date for the filing of an answer in the above entitled matter be, and hereby is, extended to January 14, 1977.

DATED at Olympia, Washington this 27th day of December, 1976.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Marvin L. Schurke

MARVIN L. SCHURKE, Executive Director

MOUNT VERNON SCHOOL DISTRICT NO. 320
Case No. 309-ULW-211

MEMORANDUM ACCOMPANYING ORDER DENYING MOTION

The charges in this matter were filed prior to the adoption of the rules of the Commission and, in particular, prior to the adoption of WAC 391-30-504(3). It has not been the policy of the Executive Director to reject such charges or complaints of unfair labor practices if they give adequate notice of the nature of the dispute. The pleading of evidence is not required. In this case, the "charge" filed on June 10, 1976 is being regarded as the complaint in this matter. It identifies the parties, the collective bargaining relationship between them and certain specific matters on which a refusal to bargain or a breach of good faith is claimed. The undersigned interprets the complaint as alleging that the employer, through its agents, consistently held to the position complained of from early May, 1976 through the date of the filing of the case. Paragraphs 2.1 and 2.3 appear to be inter-related. Paragraph 2.2 is interpreted as alleging that any circumvention relates only to the alleged issuance of contracts. Paragraph 2.4 is interpreted only as alleging a derivative interference based on the previous allegations and not an independent allegation of interference. Although the rules adopted subsequent to the filing of this case consistently referenced the Washington statutes by the section numbers of the Revised Code of Washington and requires that the parties also use such citations, it is noted that the referenced section number accurately identifies the unfair labor practice section of the Educational Employment Relations Act.

If the Complainant intended to litigate some broader range of issues than that indicated above, the complaint should certainly be amended. Absent such amendment, the documents now on file adequately notify the Respondent of a relatively narrow scope of allegations occuring during a limited period of time.

MOUNT VERNON SCHOOL DISTRICT NO. 320

Case No. 309-ULW-211

In the absence of some other specification of relief sought, it is presumed that the Complainant seeks an order requiring the Respondent to cease and desist from the conduct complained of.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Marvin L. Schurke

MARVIN L. SCHURKE, Executive Director