

BEFORE THE
PUBLIC EMPLOYMENT RELATIONS COMMISSION
OF THE STATE OF WASHINGTON

In the matter of:)	
)	
WASHINGTON STATE COUNCIL OF)	
COUNTY AND CITY EMPLOYEES, AFL-CIO,)	CAUSE NO. 703-U-76-79
LOCAL 1135W)	
)	
Complainant)	FINDINGS OF FACT AND
)	
and)	CONCLUSIONS OF LAW
)	
WHITMAN COUNTY, WASHINGTON)	
)	DECISION 250 PECB
Respondent)	
)	

THIS MATTER came on for hearing before the undersigned on April 12, 1977, as a result of the Complaint of Unfair Labor Practices issued by the State of Washington Public Employment Relations Commission upon the declaration of Mr. Daniel M. Suttner, representative of the Complainant. The Respondent was represented by Mr. E. William Fogelquist. Witnesses having been sworn and testified, exhibits having been admitted, testimony adduced, the hearing examiner having heard the argument of the respective representatives of the parties, and being fully advised in the premises now makes the following:

FINDINGS OF FACT

I

WHITMAN COUNTY, COLFAX, WASHINGTON (RESPONDENT) is a "public employer" within the meaning of RCW 41.56.020 and RCW 41.56.030(1).

II

WASHINGTON STATE COUNCIL OF COUNTY AND CITY EMPLOYEES, AFL-CIO, LOCAL 1135W (COMPLAINANT) is a "labor organization" within the meaning of RCW 41.56.010 and is a "bargaining representative" within the meaning of RCW 41.56.030(3).

III

On September 9, 1976, Local 1135W, W.S.C.C.C.E., AFL-CIO commenced negotiations with Whitman County on a successor collective bargaining agreement for calendar year 1977.

IV

On November 25, 1976, the Colfax Gazette, in a page 1 story headed "COUNTY EMPLOYEES, OFFICIALS TO GET \$35.00 PER MONTH PAY RAISE" reported that:

"County Employees and officials alike will receive a \$35.00 monthly raise in 1977, regardless of job classification, the commissioners have decided in trying to prepare a balanced budget for next year.

* * *

* * *

Many employees of the road department are now working under a union contract with the county negotiated by the municipal employees union with headquarters in Spokane.

* * *

* * *

The commissioners said (emphasis supplied) union negotiators will probably meet later with a county negotiator to discuss the wage increase but that the figure of \$420 per year is all that will be available to workers in all departments of the county regardless of union affiliations."

V

On December 1, 1976, the County's negotiator, Mr. E. William Fogelquist made an offer of a \$30.00 per month wage increase to the union. Subsequent to that date, Mr. Daniel Suttner, Union representative, contacted Mr. Fogelquist regarding a meeting previously scheduled for December 15, 1976, requesting that wages be discussed. Mr. Fogelquist replied, to wit, "It wouldn't do that much good to have another meeting. All I could say is that I could scare up another \$5.00."

VI

The tenor during the 1977 negotiations indicates that the county, was, in fact, in a fixed position on the matter of wage increases for the employees in the Road Department bargaining unit.

From the foregoing Findings of Fact, the Hearing Examiner now makes the following:

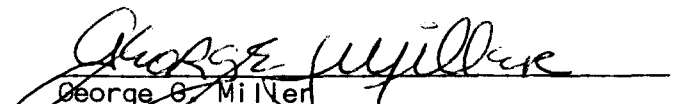
CONCLUSIONS OF LAW

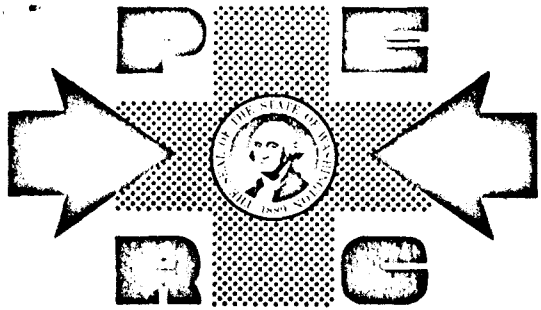
I

That the Public Employment Relations Commission of the State of Washington has jurisdiction of the parties hereto pursuant to Chapter 40.56 RCW.

That Whitman County has violated RCW 41.56.140(1) and (4) by its actions during the 1977 contract negotiations with Local #1135W, Washington State Council of County and City Employees, AFL-CIO.

Dated this 24th day of June, 1977.


George G. Miller
Associate Chief Labor Mediator
Public Employment Relations Commission



PUBLIC EMPLOYMENT RELATIONS COMMISSION

NOTICE

Case No: 703-U-76-79

Date Issued: 6/24/77

PURSUANT TO AN ORDER OF THE PUBLIC EMPLOYMENT RELATIONS COMMISSION,
WHITMAN COUNTY HEREBY NOTIFIES OUR ROAD DEPARTMENT BARGAINING UNIT EMPLOYEES THAT:

WE WILL NOT in any manner interfere with, restrain or coerce our employees in the exercise of their rights, guaranteed by Chapter 41.56 RCW, to self-organization, to form, join or assist Local 1135W, Washington State Council of County and City Employees, AFL-CIO, or any other labor organization, to bargain collectively through representative of their own choosing, or to refrain from any and all such activities.

WE WILL, upon request, bargain collectively with Local 1135W as the exclusive representative of the employees in the Road Department bargaining unit.

DATED: _____

WHITMAN COUNTY

BY: _____

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced, or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the PUBLIC EMPLOYMENT RELATIONS COMMISSION, North 1322 Post Street, Spokane, Washington. Phone: (509) 456-2922.

STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of:)	
)	
WASHINGTON STATE COUNCIL OF)	
COUNTY AND CITY EMPLOYEES,)	CAUSE NO. 703-U-76-79
AFL-CIO, LOCAL #1135W)	
)	DECISION
Complainant)	
)	and
and)	
)	ORDER
WHITMAN COUNTY, WASHINGTON)	
)	
Respondent)	DECISION 250 PECB

THIS MATTER came on for hearing before the undersigned on April 12, 1977, as a result of the Complaint of Unfair Labor Practices issued by the State of Washington Public Employment Relations Commission upon the declaration of Mr. Daniel M. Suttner, representative of the Complainant. The respondent was represented by Mr. E. William Fogelquist. The Hearing Examiner having heard the sworn testimony and considered all the evidence presented by the parties and having heretofore made and entered his FINDINGS OF FACT AND CONCLUSIONS OF LAW, and being fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:


1) WHITMAN COUNTY shall cause a news release to be issued through the Colfax Gazette stating substantially the following:

"The 1977 contract negotiations will resume between Whitman County and Local #1135W, Washington State Council of County and City Employees, AFL-CIO. The wage increase for Road Department Employees covered by the contract as well as all other proposed contract changes will be determined by the collective bargaining process."

2) WHITMAN COUNTY shall prominently post a notice, a copy of which is attached, in all Engineering offices and Road Department shops, for a period of 60 days.

3) WHITMAN COUNTY shall enter into good faith collective bargaining as defined by RCW 41.56.030(4) regarding wages, hours and working conditions for 1977 with Local No. 1135W, Washington State Council of County and City Employees, AFL-CIO.

DATED this 24th day of June, 1977.


GEORGE G. MILLER
ASSOCIATE CHIEF LABOR MEDIATOR