### STATE OF WASHINGTON

#### BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

THE INTERMITTENT WORKERS FEDERATION,

Complainant,

VS.

PUBLIC SERVICE AND INDUSTRIAL LOCAL 1239,

and

CITY OF SEATTLE,

Respondents.

CASE NO. 1876-U-78-245 and 1877-U-78-246

DECISION NO. 789 PECB

ORDER OF DISMISSAL

John R. Scannell, appearing for Intermittent Workers Federation.

<u>John E. Rinehart, Jr.</u>, attorney at law, appearing for Public Service and Industrial Local 1239.

P. Stephen DiJulio, attorney at law, appearing for the City of Seattle.

The above-named complainant filed complaints with the Public Employment Relations Commission on December 11, 1978 wherein it alleged that the above-named respondents had committed unfair labor practices within the meaning of RCW 41.56.140. Rex L. Lacy, a member of the Commission staff, was designated to act as Examiner and to make and issue Findings of Fact, Conclusions of Law and Order on both cases. Pursuant to notice issued by the Examiner on October 22, 1979, hearing on the complaints was opened at Seattle, Washington on December 10, 1979, before the Examiner.

### FINDINGS OF FACT

- 1. The City of Seattle is a municipal corporation of the State of Washington, located in King County.
- 2. The Intermittent Workers Federation filed a complaint alleging that the respondents had committed unfair labor practices involving deductions of dues monies by the City of Seattle from the wages of certain of its employees and the remitting of such monies to Public Service and Industrial Local 1239.
- 3. The complainant commenced prosecution of the alleged unfair labor practices on December 11, 1979 at the time and place indicated in the notice of hearing, but withdrew from the proceedings without completing prosecution of the complaints.

# CONCLUSIONS OF LAW

- 1. The Public Employment Relations Commission has jurisdiction over this matter under Chapter  $41.56\ RCW$ .
- 2. The complainant has failed to sustain the burden imposed upon it by WAC 391-21-526 with respect to prosecution of its case.

# ORDER

The complaints charging unfair labor practices filed in the captioned cases are dismissed for lack of prosecution.

DATED at Olympia, Washington this 14th day of December, 1979.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

REX L. LACY, Examiner