

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

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| OLYMPIC MEMORIAL HOSPITAL, PUBLIC HOSPITAL DISTRICT NO. 2, | } | CASE NO. 3965-U-82-616 |
| Complainant, | } | DECISION NO. 1395 - PECB |
| vs. | } | |
| NORTHWEST ECONOMIC COUNCIL, LOCAL 900, | } | |
| Respondent. | } | ORDER OF DISMISSAL |

The complaint charging unfair labor practices was filed in the captioned matter on February 16, 1982. The complaint alleges a violation of RCW 41.56.150(1) and (4) in that:

"Since on or about July 1, 1981, and continuing to date the above named organization has attempted to force the undersigned employer to change the negotiated Agreement, and it has refused to bargain in good faith."

By letter dated February 24, 1982, the employer was asked to supply a clear and concise statement of facts constituting the alleged unfair labor practices. Also requested were citations to legal authority for the hospital's theory of the case. On March 2, 1982, the hospital replied that the union had insisted that it:

"Change the negotiated contract by letters, phone calls and meetings; by filing an action in Superior Court for Clallum County to reform the contract, and by filing an unfair labor practice complaint with PERC."

The hospital argues that the union engaged in a refusal to bargain by attempting to force the hospital to make a change in the existing collective bargaining agreement. It also argues that the union unlawfully insisted to impasse upon a non-mandatory subject of bargaining, namely that a contract be renegotiated. Finally it contends that the union's rejection of the agreed upon contract constitutes a refusal to bargain in good faith.

From the facts alleged, it appears that the union requested on a number of occasions that its contract with the hospital be reopened. Apparently the hospital has declined this invitation. The union has brought several legal proceedings to effectuate its aims. No unfair labor practice is discerned in this set of allegations. It is no longer unusual for a party to a collective

bargaining agreement to request that it be reopened. Such a request is not illegal. The only affirmative acts that the union has allegedly taken in this regard was to invoke the jurisdiction of the Superior Court and the Public Employment Relations Commission to make certain legal determinations relating to the collective bargaining agreement. Such actions do not, in and of themselves, constitute a unilateral change in working conditions or a rejection of the agreement. Further, assuming for the moment without deciding that the union requested bargaining on a non-mandatory subject of bargaining, there is no allegation that the union preconditioned agreement on any mandatory subject of bargaining on an agreement on the alleged non-mandatory subject.

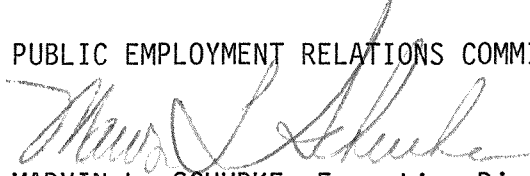
NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices filed in the above-entitled matter is dismissed.

DATED at Olympia, Washington this 10th day of March, 1982.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARVIN L. SCHURKE, Executive Director