

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

OFFICE AND PROFESSIONAL EMPLOYEES)	
INTERNATIONAL UNION, LOCAL 11,)	CASE 8617-U-90-1877
)	
Complainant,)	
)	
vs.)	DECISION 3692 - PECB
)	
CLARK COUNTY,)	PRELIMINARY RULING
Respondent.)	
)	
)	
)	

On May 31, 1990, the Office and Professional Employees International Union, Local 11, filed a complaint charging unfair labor practices with the Public Employment Relations Commission, naming both Clark County and "district court judges" as respondents. On June 4, 1990, the complainant filed an amended complaint substituting "superior court judges" in place of the reference to "district court judges" as a respondent.

A preliminary ruling letter issued pursuant to WAC 391-45-110 on September 28, 1990, found that a cause of action could exist for allegations that the Clark County had failed to make a written final offer as promised, and that it had interfered with and harassed employees engaged in activities protected by Chapter 41.56 RCW. It was noted that the superior courts of Washington are exempt from the coverage of Chapter 41.56 RCW, so that no cause of action could exist with respect to an allegation of refusal to bargain concerning union security and working conditions that were not wage-related. Zylstra v. Piva, 85 Wn.2d 743 (1975).

The complaint was subsequently re-examined in the context of potential assignment to an Examiner, and another preliminary ruling letter was directed to the parties on December 12, 1990. It was noted that more detail was necessary in order to determine whether

the allegations stated a cause of action, and the union was asked for clarification of its interference and harassment allegations. The complainant was given a period of 14 days following the date of the letter in which to provide additional information, or face dismissal of that allegation of the complaint. Nothing further has been heard or received from the complainant.

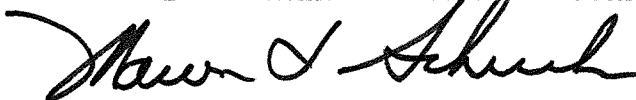
NOW, THEREFORE, it is

ORDERED

1. Examiner Katrina I. Boedecker of the Commission staff is assigned to conduct further proceedings in the matter pursuant to Chapter 41.56 RCW and Chapter 391-45 WAC on a cause of action limited to the alleged failure of the employer to make a written final offer as promised.
2. The allegations of the complaint regarding a refusal to bargain concerning union security and working conditions that are not wage-related are dismissed for lack of jurisdiction.
3. The allegations of the complaint regarding interference with and harassment of employees are dismissed as lacking sufficient facts to state a cause of action.

Dated at Olympia, Washington, the 23rd day of January, 1991.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

Paragraphs 2 and 3 of this order may be appealed by filing a petition for review with the Commission pursuant to WAC 391-45-350.