

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

YAKIMA FIRE FIGHTERS ASSOCIATION,)	
LOCAL 469, INTERNATIONAL)	
ASSOCIATION OF FIRE FIGHTERS,)	CASE 8887-U-90-1951
)	
Complainant,)	DECISION 3809 - PECB
)	
vs.)	
)	
CITY OF YAKIMA,)	ORDER DENYING
)	MOTION FOR DISMISSAL
Respondent.)	
)	
)	

Webster, Mraak & Blumberg, by James H. Webster, appearing on behalf of the union.

Menke and Jackson, by Anthony F. Menke, Attorney at Law, appearing on behalf of the employer.

On November 5, 1990, the Yakima Fire Fighters Association, Local 469, IAFF, filed a complaint charging unfair labor practices against the City of Yakima (employer). The complaint alleged that the employer had contracted out work historically performed by members of the complainant's bargaining unit.

The complaint was reviewed by the Executive Director of the Public Employment Relations Commission, for the purpose of making a preliminary ruling pursuant to WAC 391-45-110. A letter issued on December 21, 1990, advised the complainant that the complaint was so lacking in detail as to suggest that a motion to make more definite and certain should be anticipated, and would be properly granted. The complainant was allowed 14 days in which to serve an amended complaint conforming to the requirements of WAC 391-45-050.

On December 28, 1990, the complainant wrote the Commission and requested that the date for filing an amended complaint be extended

until January 21, 1991. A copy of that letter was indicated to the attorney for the respondent. No objection to that request was received.

Local 469 filed an amended complaint with the Commission on January 18, 1991. The letter of transmittal indicated that a copy of the amended complaint was served on the City of Yakima.

On March 21, 1991, the Executive Director issued a preliminary ruling letter covering several cases, wherein the existence of this case was noted. On April 9, 1991, the Executive Director designated the undersigned as Examiner to conduct further proceedings in this matter.

On June 5, 1991, the employer moved for dismissal of the complaint in this matter, on the grounds that the complainant had failed to comply with the requirements of WAC 391-45-050. The respondent asserts that the complainant has failed to provide a clear and concise statement of the facts constituting the alleged unfair labor practice, including times, dates, places, and participants in alleged occurrences.

On June 6, 1991, a notice of hearing was issued from the Commission's Olympia office pursuant to instructions previously given by the undersigned Examiner, scheduling the hearing in the above-entitled matter for August 28, 1991.

The Examiner contacted the employer's attorney, by telephone, on June 6, 1991, concerning the motion for dismissal. Counsel was advised that the amended complaint filed by the complainant appeared to provide a clear and concise statement of the alleged unfair labor practice. Counsel indicated that he had not seen a copy of the amended complaint, but that he would check into it. Nothing further has been heard or received from counsel for the respondent concerning this motion.

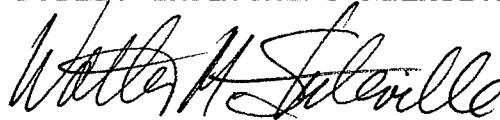
NOW, THEREFORE, it is

ORDERED

The motion for dismissal filed by the employer in the above-entitled matter on June 5, 1991 is DENIED.

DATED at Olympia, Washington, this 16th day of July, 1991.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in cursive script, appearing to read "Walter M. Stuteville".

WALTER M. STUTEVILLE, Examiner