

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

INTERNATIONAL BROTHERHOOD OF)	
ELECTRICAL WORKERS, LOCAL 483,)	
)	CASES 9604-U-92-2158
Complainant,)	9605-U-92-2159
)	9606-U-92-2160
vs.)	9607-U-92-2161
)	9608-U-92-2162
CITY OF TACOMA,)	
)	DECISION 4053 - PECB
Respondent.)	
)	ORDER OF DISMISSAL
)	

On January 31, 1992, the International Brotherhood of Electrical Workers, Local 483 (complainant), filed a complaint charging unfair labor practices against the City of Tacoma, affecting five separate bargaining units of City of Tacoma employees.¹ The allegations of the complaint were that the employer announced and publicized its positions regarding wage increases for employees in the affected bargaining units prior to entering into negotiations with the complainant in the summer of 1990.

A preliminary ruling letter directed to the complainant on February 28, 1992 noted that it is well-established that taking a position prior to bargaining and steadfastly refusing to bargain concerning that position can constitute a violation of the statute. Whitman County, Decision 250 (PECB, 1977); Fort Vancouver Regional Library, Decisions 2350-C and 2396-B (PECB, 1988). The complainant was informed, however, that these complaints appeared to be untimely under RCW 41.56.160 which limits the processing of unfair labor

¹ Consistent with the Commission's docketing procedures for such situations, a separate case was docketed for each bargaining unit in which violations were alleged to have occurred.

practices to complaints filed within six months of the complained of actions. The behavior of concern to the Commission would be the employer's behavior at the bargaining table within the six months prior to the filing of the complaint and the complainant was informed that further detail would be needed in order to determine whether a cause of action existed in the matters.

The complainant was given a period of 14 days following the date of the preliminary ruling letter in which to file and serve amended complaints stating a cause of action, or face dismissal of the complaints. Nothing further has been received from the complainant.

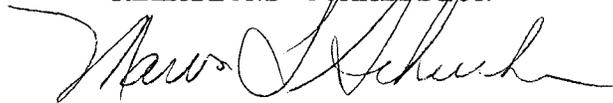
NOW, THEREFORE, it is

ORDERED

The complaints charging unfair labor practices filed in the above-entitled matters are hereby DISMISSED for failure to state a cause of action.

Dated at Olympia, Washington, this 28th day of April, 1992.

PUBLIC EMPLOYMENT
RELATIONS COMMISSION



MARVIN L. SCHURKE
Executive Director

This order may be appealed by filing a petition for review with the Commission pursuant to WAC 391-45-350.