

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

CITY OF YAKIMA,	)	
	)	CASE 9030-U-91-1996
Complainant,	)	
	)	
vs.	)	DECISION 3914 - PECB
	)	
INTERNATIONAL ASSOCIATION OF	)	
FIRE FIGHTERS, LOCAL 469,	)	ORDER OF DISMISSAL
	)	
Respondent.	)	
	)	
	)	

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Menke & Jackson, by Anthony F. Menke, Attorney at Law,  
appeared on behalf of the complainant.

Webster, Mrak and Blumberg, by James H. Webster, Attorney  
at Law, appeared on behalf of the respondent.

The above-captioned matter has been used to "store" certain unfair labor practice allegations filed by the City of Yakima (employer) against International Association of Fire Fighters, Local 469 (union) pending the outcome of related litigation between the same parties before the Supreme Court of the State of Washington.

The specific allegations involve the employer's claim that the union improperly insisted on bargaining matters which have been delegated to a "civil service" commission. The allegations were first raised in a complaint charging unfair labor practices filed by the employer on November 8, 1990.<sup>1</sup> By letters dated March 21, 1991 and July 2, 1991, the parties were notified that the "civil service" allegations would be transferred to Case 9030-U-91-1996, and would be held in abeyance pending the decision of the related matter by the Supreme Court.

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<sup>1</sup>

Case 8896-U-90-1956. Other allegations in that complaint were assigned to an Examiner for further proceedings.

The Supreme Court ruled on the related matter on November 7, 1991, and the above-captioned case is again before the Executive Director for a preliminary ruling WAC 391-45-110. At this stage of the proceedings, all of the facts alleged in the complaint are assumed to be true and provable. The question at hand is whether, as a matter of law, the complaint states a claim for relief available through unfair labor practice proceedings before the Public Employment Relations Commission.

By a vote of nine to zero, the Supreme Court ruled that, as a matter of law, the civil service system operated by the City of Yakima for its fire department employees does not qualify for exclusion, under RCW 41.56.100, of matters from the collective bargaining process created by Chapter 41.56 RCW. The employer's complaint thus fails to state a cause of action.

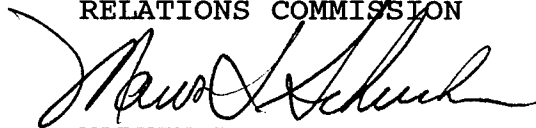
NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in the above-entitled matter is DISMISSED for failure to state a cause of action.

Dated at Olympia, Washington, the 13th day of November, 1991.

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.