

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

WASHINGTON STATE COUNCIL OF	)	
COUNTY AND CITY EMPLOYEES,	)	
LOCAL 1553-N,	)	CASE 9146-U-91-2121
Complainant,	)	
vs.	)	DECISION 4247 - PECB
SPOKANE COUNTY HEALTH DISTRICT,	)	
Respondent.	)	ORDER OF DISMISSAL
	)	
	)	
	)	

---

The complaint charging unfair labor practices filed in the above-captioned matter on May 1, 1991, was the subject of a preliminary ruling letter issued by the Executive Director on September 6, 1991.<sup>1</sup> Several of the allegations of the complaint were found to state a cause of action for further proceedings, but the complainant was given a period of 14 days in which to file and serve an amended complaint with respect to an "overtime computation" claim that did not to state a cause of action as filed. An amended complaint was filed on September 20, 1991, but the complainant advised a member of the Commission staff in that same time period that the parties were in settlement discussions with respect to the subject matter of the entire complaint. At the request of the complainant, further rulings were withheld pending the settlement discussions. On a number of subsequent occasions, members of the Commission staff contacted the complainant and were advised that the matter had been settled and would be withdrawn. A written

---

<sup>1</sup> At that 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.

request for withdrawal has not been forthcoming, however. On November 18, 1992, a letter was directed to the parties, noting the history concerning this matter, and indicating that the complaint would be dismissed for lack of prosecution unless good cause was shown by November 30, 1992, as to why such an action should not be taken. Nothing further has been heard from either party.

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices filed in the above-entitled matter is hereby DISMISSED for lack of prosecution.

DATED at Olympia, Washington, this 8th day of December, 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.