

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

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| WASHINGTON STATE COUNCIL OF |) | |
| COUNTY AND CITY EMPLOYEES, |) | |
| |) | CASE 11252-U-94-2632 |
| Complainant, |) | |
| |) | |
| vs. |) | DECISION 4935 - PECB |
| |) | |
| PACIFIC COUNTY, |) | |
| |) | |
| Respondent. |) | ORDER OF DISMISSAL |
| |) | |
| |) | |

On July 26, 1994, the Washington State Council of County and City Employees filed a complaint charging unfair labor practices with the Public Employment Relations Commission. The complaint alleged that Pacific County Commissioner Patty Hamilton, a member of the employer's bargaining team, had violated the ground rules for negotiations agreed upon by the parties, by releasing information without prior notice to the union. The union asserted that violation of the ground rules is a breach of the duty to bargain in good faith.

The complaint was the subject of a preliminary ruling letter issued on August 31, 1994, in accordance with the provisions of WAC 391-45- 110.¹ The preliminary ruling letter noted that there is a substantial question under case law developed by the Commission as to whether ground rules are a mandatory subject of collective bargaining. Fort Vancouver Regional Library, Decision 2396-B (PECB, 1988); City of Bellevue, Decision 2899 (PECB, 1988). The

¹ 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.

preliminary ruling letter also noted that enforcement of a ground rules agreement would be a contractual matter over which the Commission would not assert jurisdiction. City of Walla Walla, Decision 104 (PECB, 1976). The Executive Director thus concluded that a cause of action could not be found on the facts submitted.

The complainant was given a period of 14 days following the date of the preliminary ruling letter in which to file and serve an amended complaint which stated a cause of action, or face dismissal of the complaint. On September 9, 1994, the complainant responded by letter. The only additional information offered with respect to the facts was that Commissioner Hamilton had not returned to the bargaining table. Nothing in the additional material submitted by the complainant changes the result. No cause of action is found to exist in the matter.

NOW, THEREFORE, it is

ORDERED

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

DATED at Olympia, Washington, this 9th day of December, 1994.

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.