

STATE OF WASHINGTON  
PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of	)	
	)	
AUTOMOTIVE MACHINISTS	)	
LOCAL NO. 289, AFL-CIO	)	Cause No. ULW-040
	)	ULW-044
Petitioner	)	
	)	DECISION
and	)	
	)	and
KING COUNTY WATER	)	
DISTRICT NO. 75	)	ORDER
	)	
Employer	)	DECISION 100A-PECB
	)	

THIS MATTER having come on for hearing before the undersigned on April 28, 1976, as a result of the Unfair Labor Practice Complaint issued by the State of Washington Public Employment Relations Commission and again on August 4, 1976 as a result of an Order Reopening Hearing and Setting Hearing Date (Decision No. 100 PECB), the Petitioner being represented by its attorney, Mr. John Rinehart, the Employer being represented by its attorneys, Messrs. John Cartano and Robert A. O'Neill, and the Hearing Examiner having heard the sworn testimony and considered all the evidence and briefs presented by the parties and having heretofore made and entered his FINDINGS OF FACT AND CONCLUSIONS OF LAW, and being fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

The Complaint issued by the State of Washington Public Employment Relations Commission on February 10, 1976 charging that King County Water District No. 75, by and through its Superintendent, Mr. Jerry Harris, did terminate Mr. David M. Sallee on January 21, 1976 and further did terminate Mr. Claude Ashby and Mr. Jon Van Liew on January 23, 1976 and interfered with those employees in the exercise of their rights guaranteed by the Act and that King County Water District No. 75 engaged in, and is engaging in, unfair labor practices within the meaning of RCW 41.56.140, Section (1) is hereby dismissed.

DATED this 26<sup>th</sup> day of April, 1976.

*George G. Miller*  
\_\_\_\_\_  
GEORGE G. MILLER  
ASSOCIATE CHIEF LABOR MEDIATOR

BEFORE THE  
PUBLIC EMPLOYMENT RELATIONS COMMISSION  
OF THE STATE OF WASHINGTON

In the matter of:	)	
	)	
AUTOMOTIVE MACHINISTS	)	132
LOCAL NO. 289, AFL-CIO	)	Cause No. ULW-040
	)	ULW-044
Petitioner	)	
	)	FINDINGS OF FACT AND
and	)	
	)	CONCLUSIONS OF LAW
KING COUNTY WATER	)	
DISTRICT NO. 75	)	DECISION 100A-PECB
	)	
Employer	)	
	)	

THIS MATTER having come on for hearing before the undersigned on April 28, 1976, as a result of the Unfair Labor Practice Complaint issued by the State of Washington Public Employment Relations Commission and again on August 4, 1976 as the result of an Order Reopening Hearing and Setting Hearing Date (Decision No. 100 PECB), the petitioner being represented by its attorney, Mr. John Rinehart, the Employer being represented by its attorneys, Messrs. John Cartano and Robert A. O'Neill, witnesses having been sworn and testified, exhibits having been admitted, testimony adduced, briefs having been submitted and considered and the hearing examiner having heard the argument of the respective representatives of the parties, and being fully advised in the premises now makes the following:

FINDINGS OF FACT

I

On January 19, 1976, Automotive Machinists Local No. 289, filed a Petition, pursuant to RCW 41.56, with the Public Employment Relations Commission seeking certification as the bargaining representative for certain employees of King County Water District No. 75.

II

On January 21, 1976, a copy of the Petition was delivered to Mr. Henry B. Lyle, Chairman of the Board of Commissioners by Mr. Win Key, Labor Mediator, Public Employment Relations Commission. Mr. Key attempted to obtain Mr. Lyle's acquiescence to resolve the representation question by either a Consent Cross Check of bargaining authorization cards or by a Consent Election. Mr. Lyle did not agree. Mr. Key did not reveal to Mr. Lyle, the names of the Water District employees who had signed bargaining authorization cards.

III

On January 22, 1976, Mr. Dave Sallee was laid-off from his job with the Water District Maintenance Crew by Mr. Jerry P. Harris, General Manager of Water District 75. On January 23, 1976, Mr. Harris laid-off Mr. Claude W. Ashby, backhoe operator and Mr. Jon Van Liew, meter reader. (Mr. Van Liew was in probationary status.)

IV

These lay-offs, however ill timed, were the result of a decision made by the Commissioners in November, 1975 to cut back the work force by one crew. Mr. Harris, the General Manager, was queried, on occasion, by Mr. Lyle, Chairman of the Board, prior to January 21, 1976, as to why the cut-back program had not been implemented? On January 21, 1976, subsequent to the visit by Mr. Key, Mr. Lyle advised Mr. Harris to follow through on the cut-back in personnel as he had been previously instructed to do.

V

On January 22, 1976, Automotive Machinists Local No. 289, IAMAW, AFL-CIO, filed a Charge Against Employer stating:

"On January 19, 1976 a petition for representation was filed to represent the employees of King County Water District No. 75. On January 21, 1976, David M. Sallee, an employee of Water District No. 75 was terminated in violation of RCW 41.56.140 of the Public Employees Collective Bargaining Act, State of Washington." The Public Employment Relations Commission assigned Case No. ULW-040 to this charge.

On January 26, 1976, Automotive Machinists Local No. 289, IAMAW, AFL-CIO, filed a Charge Against Employer stating:

"On January 19, 1976 a petition for representation was filed to represent the employees of King County Water District No. 75. On January 23, 1976, Claude Ashby and Jon Van Liew were terminated in violation of RCW 41.56.140 of the Public Employees Collective Bargaining Act, State of Washington." The Public Employment Relations Commission assigned Case No. ULW-044 to this charge.

VI

As of January 1, 1976, the Water District had 14 employees, 5 office-clericals and 9 in the shop and outside work. The shop and outside job title and seniority dates were:

Jerry P. Harris	General Manager	July 10, 1954
-----------------	-----------------	---------------

Jack Reeves	Meter Reader	August 7, 1963
Clifford Bartlett	Foreman	March 20, 1967
James Marknell	Backhoe Operator	July 25, 1969
Sherman Severson	Meter Reader	August 21, 1972
Claude Ashby	Backhoe Operator	October 18, 1973
Fred Richards	Meter Repairman	June 17, 1974
David Sallee	Maintenance Man	October 1, 1974
Jon Van Liew	Meter Reader	October 28, 1974

#### VII

Mr. Harris did consult with Foreman Bartlett, regarding the layoff of Mr. Ashby. Messrs. Sallee and Van Liew were next-to-last and last respectively on the seniority roster, while Mr. Ashby was the fourth from the bottom and the junior backhoe operator. The third man from the bottom, Mr. Richards, meter repairman, was not considered for layoff since he was the only meter repairman employed by the district.

#### VIII

Seniority was used as the primary factor in effecting the layoffs with consideration being given to job performance.

#### IX

Water District No. 75 has neither recalled nor replaced any of the laid-off individuals.

#### X

The hearing was reopened on August 4, 1976 on motion of Mr. John Rinehart, attorney for Automotive Machinists Local No. 289 for introduction of evidence relating to the hiring of new employees without offering to recall Mr. Claude Ashby, Mr. David Sallee or Mr. Jon Van Liew.

#### XI

Water District No. 75 did employ casual labor during the summer months of 1976 as it has for the past ten or twelve years. These temporary summertime employees were terminated September 15, 1976. They were not replacements for the employees laid-off on January 21 and January 23, 1976.

From the foregoing Findings of Fact, the hearing examiner now makes the following:

CONCLUSIONS OF LAW

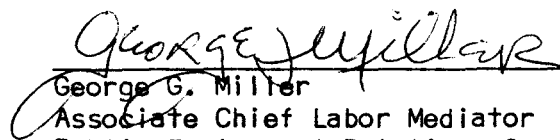
I

That the Public Employment Relations Commission of the State of Washington has jurisdiction of the parties hereto pursuant to Chapter 41.56 RCW.

II

That King County Water District No. 75 did not interfere with, restrain or coerce Messrs. David M. Sallee, Claude Ashby or Jon Van Liew in their rights guaranteed by Chapter 41.56 RCW.

Dated this 26<sup>th</sup> day of April, 1976.

  
George G. Miller  
Associate Chief Labor Mediator  
Public Employment Relations Commission