

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

RONALD E. MOOK,)	
)	
Complainant,)	CASE NO. 2677-U-80-390
)	
vs.)	DECISION NO. 1179-A - PECB
)	
WEST VALLEY SCHOOL DISTRICT)	
NO. 208,)	
)	
Respondent.)	DECISION OF COMMISSION
)	

Reed Pell, Attorney at Law, appeared on behalf of the complainant.

Lonny R. Suko, Attorney at Law, appeared on behalf of the respondent.

Ronald E. Mook seeks review of the decision of Examiner Rex L. Lacy, issued June 9, 1981, holding that Mook had not proven that the respondent committed unfair labor practices within the meaning of RCW 41.56.140(1). That decision rested primarily upon a challenged factual finding, No. 11, stating:

"Ronald E. Mook was discharged by his supervisor, Robert Knight, on October 31, 1979 for insubordination. The employer was not advised of Mook's soliciting fellow employees and unaware of his activities on behalf of (a union) CPEA. There is not sufficient evidence to base a finding that Mook's protected activity was a motivating factor in the employer's decision to discharge."

Mook essentially maintains that the circumstantial evidence in the case strongly suggests that the respondent employer was aware that Mook was actively involved in soliciting fellow employees to obtain a new bargaining representative, and that a fortiori, his discharge was motivated by the employer's knowledge of his activities.

It is undisputed that Mook was active in an effort to obtain the representation of Classified Public Employee's Association, a labor organization affiliated with the Washington Education Association, as bargaining representative for his unit composed of school bus drivers. The sole issue before us is whether Mook's organizational activities were a factor in his discharge. This factual issue is necessarily predicated upon the extent of his employer's knowledge of his organizational activities. While the record indicates that there may have been some knowledge on the part of district officials of attempts made within Mook's unit to change

bargaining representatives, the record shows that the Examiner could fairly conclude that Mook's supervisor, Robert Knight, was unaware that Mook was engaged in these activities, and that whatever knowledge district officials had did not influence the supervisor's decision to discharge Mook. Therefore, evidence, even circumstantial, of a violation of RCW 41.56.140(1) is lacking. Moreover, the record contains ample evidence to support the employer's contention that Mook was discharged for insubordination.

Accordingly, the findings of fact and conclusions of the Examiner are hereby affirmed.

DATED this 12th day of October, 1981.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



JANE R. WILKINSON, Chairman



R. J. WILLIAMS, Commissioner



MARK C. ENDRESEN, Commissioner