

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

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| CHAUFFEURS, TEAMSTERS AND |) | |
| HELPERS UNION, LOCAL 252, |) | |
| |) | |
| Complainant, |) | CASE NO. 5675-U-85-1042 |
| |) | |
| vs. |) | DECISION 2424 - PECB |
| |) | |
| LEWIS COUNTY, |) | FINDINGS OF FACT, |
| |) | CONCLUSIONS OF LAW |
| Respondent. |) | AND ORDER |
| |) | |
| |) | |

Griffin and Enslow, by James F. Imperiale, Attorney at Law, appeared on behalf of the complainant.

Harold Cooper, Prosecuting Attorney, by Eugene Butler, Deputy Prosecuting Attorney, appeared on behalf of the respondent.

On February 6, 1985, Chauffeurs, Teamsters, and Helpers Union, Local 252 [complainant] filed a complaint charging unfair labor practices against Lewis County [respondent], alleging that the county violated RCW 41.56.140.(1) by discharging two employees for union activities. The complaint was reviewed under WAC 391-45-110, and Susan K. Schreurs was assigned as Examiner. A hearing was conducted on April 10, May 29, May 30, and June 11, 1985, in Chehalis, Washington. The Examiner subsequently resigned from employment with the Public Employment Relations Commission and, on June 20, 1985, issued and served a "Report of Examiner On Observations of Demeanor and Credibility" concerning the witnesses who testified in this case. The parties subsequently submitted post-hearing briefs. This unfair labor practice case has now been transferred to the Executive Director pursuant to WAC 391-45-130, for issuance of the Examiner decision pursuant to WAC 391-45-310.

BACKGROUND

Lewis County is a political subdivision of the State of Washington which provides a number of public services to local residents. To standardize practices involving radio dispatching of various emergency-response units, the county and several cities, fire districts, and the St. Helen's Hospital emergency medical service have entered into an intergovernmental agreement to form a single county-wide dispatch network.

Established in 1982, the Lewis County Department of Communication eliminated a duplication of radio dispatching functions that theretofore existed in the county. Rather than dispatching sheriff deputies through the Sheriff's Department and fire suppression and emergency medical personnel from separate fire departments and districts, it was the intention to dispatch all such services through a single county-wide communications network. Apparently, the creation of the department was not well received by all of the participating agencies. Law enforcement agencies were fearful that their unique safety concerns could not be met by a communication system that was expected to handle a wide variety of radio traffic. Such concerns notwithstanding, the integrated communication network was implemented and now provides emergency dispatch services throughout Lewis County. Since the department took over the dispatching work, there have been a number of complaints about the quality of the service provided. While each participating agency has raised individual concerns, more complaints originated from the sheriff's department than from any of the other participants in the program.

The communications department is a cooperative effort, and the department's administrative structure reflects the diverse

clientele served. An "operations board" composed of a local fire chief, a local police chief, the county sheriff and the county's director of emergency services is the body responsible for the regular functions of the communications department operation. An "administrative board" composed of a member of the Centralia City Council, a fire commissioner from one of the fire districts in Lewis County, a county commissioner, and the chairman of the "operations board", meets on a quarterly basis to deal with budget matters and capital expenditures. While day-to-day supervision of the dispatch center is vested in the Chief Dispatcher, the operations board reviews personnel matters, and retains authority to hire, discharge and discipline employees.

Several members of the operations board have had experience with the collective bargaining process. Jerry Grill, who is the Fire Chief of Lewis County Fire District No. 12, has dealt with unionized firefighters for a number of years. Sheriff William Wiester directs a department whose non-supervisory deputies are represented by complainant. There is some testimony which indicates that Grill ¹ and Wiester ² have been involved in employment disputes with unionized employees.

¹ The dispute involving Mr. Grill and Lewis County Fire District No. 12 appears to have gone no farther than the board of fire commissioners. There is no record of unfair labor practice charges being filed with the Public Employment Relations Commission.

² Of thirty cases (in addition to the instant case) involving Lewis County listed in the docket records of the Public Employment Relations Commission between January 1, 1976 and the close of the hearing in the instant case, only four are unfair labor practice cases involving the sheriff's department. The first of those was dismissed as untimely under the statute of limitations, Lewis County, Decision 1565 (PECB, 1983). The remaining three were all withdrawn by the complainant herein.

The communications department operates from a single location in the Lewis County Courthouse. At the time the department was created, the workforce consisted of nine full-time and three part-time dispatchers. The record indicates that the department also used volunteer dispatchers on a regular basis. The dispatch center employees work on rotating shifts. They are responsible for effective communications between the public and the emergency services agencies, as well as for communications among the various participating agencies.

Chauffeurs, Teamsters and Helpers Union, Local 252 represents a number of bargaining units in the Lewis County area, including non-supervisory deputy sheriffs in the Lewis County Sheriff's Office. On October 3, 1984, the union filed a petition for investigation of a question concerning representation involving the communications department. The union sought a bargaining unit of:

Communications Officers, Communication
Technician I, II, and III

Regular Full Time and Regular Part Time
Employees

The petition specifically excluded only the position of Chief Dispatcher from the bargaining unit. The union maintained that there were eight employees eligible for inclusion in the proposed bargaining unit. The petition was docketed as Lewis County, Case No. 5479-E-84-984. ³

³ A separate hearing was conducted on certain employee eligibility issues raised by the employer in the representation case, and a separate decision, Lewis County, Decision 2381 (PECB, 1986) has been issued on the representation case.

During the pendency of the representation proceedings, Mark Pickrell and Duane Beaver, two employees included within the scope of the petitioned-for unit, were discharged from their employment at the dispatch center. The union thereupon filed the complaint charging unfair labor practices in the instant case.

Mark Pickrell began his duties with the Lewis County Communications Department in the autumn of 1983, as an unpaid volunteer. Pickrell had prior dispatching experience as a "resident volunteer" with Pierce County Fire District No. 6. After leaving that position, he served as a volunteer dispatcher at Lewis County Fire District No. 12 for an unspecified period of time immediately prior to beginning his duties with the communications department. When he began working with the department as a volunteer, Pickrell received what can be described as "on-the-job" training in the various duties associated with the dispatcher position. Satisfied that he could perform as a dispatcher, the department allowed Pickrell to test for an employee position when an opening occurred. Pickrell was hired as a department employee in July, 1984. Once hired, Pickrell was considered to be a probationary employee, and was to remain in that status for one year from the date of his conversion from volunteer to employee status. Pickrell did not enjoy a peaceful employment relationship with the Communication Department. In August, 1984, he received instructions to improve his typing and spelling skills because his reports were not being prepared in an acceptable manner. While several warnings were given, Chief Dispatcher Garry Austin did not follow up the warnings with further disciplinary action.

Several participating agencies complained of Pickrell's performance. Randy Strozyk, Director of Medic and Ambulance

Services at St. Helen's Hospital, was concerned about Pickrell's abilities from the time of his initial employment, and often became involved in "heated" discussions with Austin concerning problems that Strozyk observed. The record also indicates that the sheriff's department routinely complained about the quality of the dispatching service that Pickrell provided. There is no indication that these complaints were ever communicated to Pickrell, or that corrective measures were taken to improve his dispatching abilities.

Pickrell became involved in a personal dispute with Deputy John McCroskey, a member of the sheriff's staff. McCroskey was involved in at least two incidents where Pickrell's abilities as a dispatcher were questioned. In one incident, Pickrell did not follow established procedure concerning a "stolen vehicle" that McCroskey was trying to report. In a second situation, Pickrell dispatched McCroskey to the wrong address, causing a delay of 15 to 20 minutes in responding to a call. Conversely, Pickrell prepared a memorandum complaining about McCroskey's failure to abide by safety procedures. Shortly thereafter, McCroskey issued Pickrell a warning ticket about improper license plate registration tabs.

Other members of the sheriff's staff raised concerns about Pickrell's performance. Common complaints centered on misuse of the communications network for useless or unclear radio instructions, use of the network for personal calls, and a perceived disregard for officer safety. The complaining deputies were concerned that Pickrell did not attempt to stay in touch with them during potentially dangerous situations, but would tie up emergency frequencies with routine notices and bulletins. While these complaints were often made to sheriff department supervisors, they were not always relayed to the communications department. The lack of action on a number of

these complaints compounded the problem between the two agencies.

Duane Beaver was originally hired in April, 1983. Prior to his employment, he had worked for approximately 1000 hours as a volunteer dispatcher with the department. As in Pickrell's case, Beaver was to serve a one year probationary period. Beaver also had difficulties with agencies using the central dispatch system, but the record indicates that his problems arose primarily with fire districts and emergency medical personnel. At some unspecified time in 1983, Beaver received a letter from department management outlining certain problems with his work as a dispatcher. The problems outlined in the letter were not discussed with Beaver, and it is unclear whether he was given any recommendations for improvement.

Apart from his work at the dispatch center, Beaver began service as a reserve police officer in Napavine, Washington, a small community located within Lewis County. As a reserve police officer, Beaver was often required to work extended periods of time, and he began to experience a lack of sleep. On August 19, 1984, Beaver reported for work at the communication department immediately after completing a shift as a reserve officer in Napavine. During the course of his shift at the dispatch center, Beaver fell asleep at his work station, and a number of emergency calls had to be handled by the other dispatcher on duty. The record indicates that the dispatch center was very busy at the time, and Beaver's absence from the radio system caused delays in dispatching appropriate emergency personnel. There is no indication that disciplinary action was taken at the time of the incident.

Beaver's work performance finally led to disciplinary action by Chief Dispatcher Austin in September, 1984, when Beaver was

again placed on probationary status. He was scheduled to remain on probation for six months.

By the Autumn of 1984, the previously mentioned tensions and disputes led participating agencies to ask for specific action to rectify what they considered to be a growing lack of concern about the department's operation. In September, 1984, deputy sheriffs brought their concerns about the dispatch situation to the attention of Undersheriff Randy Hamilton. On September 17, 1984, the problems were also raised by the patrol division supervisor during the course of a meeting of sheriff department supervisors where Chief Dispatcher Austin was present. Austin was told of the general discontent about the dispatch center. It appears that the complaints were generalized, and not directed at any particular dispatcher. Austin recognized that problems existed, and the meeting concluded with the formation of a committee to establish "protocols" which would explain what could and could not be expected of the dispatch center's staff.

Local 252 began its organization efforts at the communication department in the autumn of 1984. Pickrell and Beaver attended an information meeting. At a later time, Beaver held authorization cards for Mauermann. Given the small size of the department's workforce, the organizing campaign was common knowledge, although there is some dispute concerning the amount of information that department management had about individual employee preferences. Pickrell and Beaver believed that Chief Dispatcher Austin knew of their support for the union, and that he disapproved of such sympathies. Austin testified that he was aware of the general attitude among the employees favoring organization, but did not inquire about individual employees' desires. In the same manner, Sheriff Wiester and Chief Grill testified that they were aware, as members of the Operations

Board, of the organization effort, but that they did not ask about individual employee wishes.

Apparently, the situation of dissatisfaction with the dispatch center did not change rapidly enough to satisfy the law enforcement personnel of user agencies and, on November 10, 1984, McCroskey sent a letter to Austin and Hamilton, complaining of continuing problems. McCroskey's letter detailed complaints about all but two of the dispatchers in the communication department. In referring to Pickrell and Beaver, McCroskey argued that both individuals could not keep up with their assigned duties, that they could not master the technical aspects of their jobs, and that both had to be replaced. In the course of his letter, McCroskey raised the possibility of the sheriff's department withdrawing from the communication department consortium and re-establishing a separate dispatching operation. The record indicates that McCroskey was not acting on behalf of the respondent employer, or even on behalf of the respondent employer's sheriff's department, when he sent the letter, but was reacting to the deficiencies he perceived at the dispatch center.

Concerns about the dispatch center situation were raised again at a meeting of sheriff's department supervisors held in December, of 1984. By that time, the complaints had begun to focus on Pickrell and Beaver, and sheriff's department management was aware that the deputies were considering filing a grievance alleging that safety provisions of their collective bargaining agreement were being violated by the sheriff's inability to guarantee effective dispatching. Austin attended the meeting and told the supervisors that he needed written complaints from the deputies in order to be able to address their concerns.

On January 8, 1985, Austin briefed the operations board about the status of the ongoing organization effort. By this time, the employer had raised several eligibility issues that had to be addressed before an election could be conducted, and the record discloses that Austin reviewed those eligibility issues with the board. There is no indication that Austin's presentation to the operations board on that occasion addressed the problems in dispatching service which had been raised by the deputies.

The dispatch center issue was discussed again at a meeting of sheriff's department supervisors held on January 22, 1985. The problems associated with Pickrell and Beaver were discussed in some detail, and it became apparent that the law enforcement personnel demanded some type of action to correct the situation.

In response to the deputies' complaints, Sheriff Wiester called an emergency meeting of the operations board for January 25, 1985. On that date, the board was presented with the complaints regarding the quality of dispatching available through the department. Members of the board were aware that personnel matters were going to be addressed at the meeting, but were not sure of the agenda prior to the meeting itself. Prior to the meeting, Austin anticipated that some disciplinary action was likely, but he did not expect the board to direct termination of employees. During the course of the meeting, the board members were told of the problems that user groups perceived with Pickrell and Beaver. Corrective measures were not discussed. So far as it appears from the record, the representation petition and employee sympathies toward unionization were not discussed either at that time. By the end of the meeting, Austin was convinced that his own position would be in jeopardy if he did not terminate Pickrell and Beaver.

On January 29, 1985, the operations board held a second emergency meeting. Austin reported that Pickrell and Beaver "had been terminated" and that termination would be complete within fourteen (14) days.

Beaver's termination notice was dated February 1, 1985. Pickrell's termination notice was dated February 3, 1985. The record is not clear, but it appears that both employees received their notices at about the same time. Pickrell's report consisted of two pages, and listed six areas of deficiency:

- 1) Typing ability: Mark has failed to bring typing skills to a level required for efficient performance of his duties. Primary concern is with data entry procedures on Computer Aided Dispatch system.
- 2) Report writing: Mark's inability to type and spell produce reports of embarrassing quality.
- 3) Interrogation skills: Mark lacks the ability to adequately interrogate citizen reports of calls for service. He spends an inordinate amount of time and often fails to obtain accurate and complete information.
- 4) Basic radio communication skills: Mark lacks the ability to effectively communicate via two-way radio. He has failed in three months to "train" his ability to hear and interpret radio communications, and as such Mark has required to have information repeated at a rate which far exceeds acceptable limits. Mark is also unable to effectively communicate and relay information to field units causing potential delays and dangerous situations to field personnel.
- 5) Ability to learn: Mark has had a continual problem with accepting and acting upon criticism and supervision. When confronted with criticism/supervision he will most likely clam-up and the problem does not get resolved.

- 6) Departmental communications: Mark has caused a high degree of dissent between user agencies and the Department of Communications. This has been caused, in part, by Mark questioning or expressing displeasure with user actions and procedures.

Beaver's termination report consisted of six pages, with an initial report about the September, 1984, disciplinary action as well as a detailed analysis of each of the incidents that finally led to his dismissal. In essence, the report maintained that Beaver was placed on probation to correct serious problems in his dispatching abilities. The report went on to say that Beaver had not made any real improvement, and that the department had no alternative but to discharge him.

Pickrell and Beaver had heard rumors that they were going to be terminated, and both took steps to appeal after they were officially notified of their release from service. Pickrell appealed to the Operations Board. A hearing was conducted, and the board upheld his discharge. The record indicates that Pickrell was not represented at the hearing. There is no indication that he asked for union representation in the matter. Beaver also appealed to Operations Board. His dismissal was also upheld. The record is also silent as to any requests by Beaver for union representation. Pickrell also appealed, at an unspecified time, to the Board of Lewis County Commissioners, but that appeal was also rejected. ⁴

After Local 252 filed the instant unfair labor practice complaint, several members of the deputy sheriff's bargaining

⁴ According to the agreement establishing the communications department, the commissioners would have had a voting presence on the administrative board, but did not have jurisdiction to hear employment disputes.

unit represented by the union were upset that the union would desire to support Pickrell and Beaver. A petition was posted in a conference room in the sheriff's office, inviting employees to affix their signatures to a statement saying that the deputies believed that the two individuals in question were safety hazards. Eleven of the department's forty employees signed the petition. In addition, McCroskey prepared a letter to Mauermann which was to accompany the petition, as follows:

This letter is to officially let you know that we are less than satisfied in the handling of the firing of Duane Beaver and Mark Pickeral (sic). Its (sic) our understanding that they are not union members nor were they.

Our primary concern is that these people constituted a safety hazard to all on the road as well as being very upsetting because of there (sic) inability to perform their job.

POSITIONS OF THE PARTIES

Complainant argues that Mark Pickrell and Duane Beaver were discharged because of their union activities. Noting the existence of the organizational campaign, the complainant maintains that the two discharges were "prime motivators" in the union campaign, and that their supervisor(s) in the communications department were aware of their sympathies and activities. Complainant contends that several members of the Operations Board had previously expressed anti-union feelings, and that the dismissals in the instant case were made with the intention to discourage union support among members of the proposed bargaining unit.

Respondent denies that an unfair labor practice has been committed. While recognizing that supervisors knew of the organization effort, respondent maintains that the decision to discharge Pickrell and Beaver was made solely because of business reasons. Respondent points to a number of incidents that demonstrate that the employees in question did not perform their assignments properly. In addition, the respondent argues that Pickrell and Beaver were antagonizing a number of participating agencies, so that the communications department was in jeopardy of losing a substantial part of its revenue due to agencies withdrawing from the cooperative dispatching program.

DISCUSSION

In its post-hearing brief, complainant notes that it carries the burden of proof in this unfair labor practice complaint. See: Whatcom County, Decision 1886 (PECB, 1984). The use of discharge as a weapon to defeat a union organizing effort has been addressed by the Commission on a number of occasions. In determining whether a violation has taken place, the reasoning set forth by the National Labor Relations Board (NLRB) in Wright Lines Inc., 251 NLRB 150 (1980) has been adopted:

In all cases alleging violations of Section 8(a)(3) of the LMRA (Labor Management Relations Act) or violations of Section 8(a)(1), turning on employer motivation, NLRB will employ the following "causation test". (1) The General Counsel must make a prima facie showing sufficient to support inference that protected conduct was a "motivating factor" in the employer's decision; (2) once this is established, the employer has the burden of demonstrating that the same action would have taken place even in the absence of protected conduct.

The NLRB explained the Wright Lines test as a balancing approach to guarantee employee rights while recognizing the employer's responsibilities to operate a business:

...the aggrieved employee is afforded protection since he or she is only required initially to show that protected activities played a role in the employer's decision. Also, the employer is provided with a formal framework within which to establish its asserted legitimate justification. In this context, it is the employer which has to "make the proof". Under this analysis, should the employer be able to demonstrate that the discipline or other action would have occurred absent protected activities, the employee cannot justly complain if the employer's action is upheld. Similarly, if the employer cannot make the necessary showing, it should not be heard to object to the employee's being made whole because its action will have been found to have been motivated by an unlawful consideration in a manner consistent with congressional intent, Supreme Court precedent, and established Board processes.

Thus, the burden is not left with one party throughout the entire analysis, and actually shifts to the respondent if the complainant sustains an initial showing that the affected employees were participating in protected activities.

In this instance, the complainant would first have an anti-union animus inferred from the fact that two management officials have previously been involved in some type of dispute with unionized employees in other bargaining units. Such an inference is not supported by the facts, however. Neither Grill nor Weister has been found guilty of unfair labor practices by the Commission. Mere accusation, without more, is not evidence of wrongdoing.

The complainant has demonstrated that an organizing drive, a form of protected activity, was under way at the time that Mark Pickrell and Duane Beaver were discharged. It is a fundamental principle of modern labor law that employees are engaged in protected activity under the statute when they are participating in a union organization effort. See: Valley General Hospital, Decision 1195-A (PECB, 1981). There is evidence that the dischargees were sympathetic to the union, and that one of them may have taken at least a modest role in conducting the organizational campaign. The record is also clear that respondent knew that organizing was ongoing, and that the employer actively monitored the situation. The representation petition had been filed, the preliminary processing of that case had been accomplished, and the employer had taken an active role in the representation hearing, challenging the eligibility of two persons in the Communications Officer III classification on the basis, among others, that they might commit an unfair labor practice. Given these factors, it is concluded that the complainant has met its initial burden of proof under the Wright Lines test. Analysis now shifts to respondent's arguments concerning the propriety of its actions.

The record indicates that this employer has not followed consistent personnel practices with regard to employee evaluation, training opportunities, and discipline. It is clear that the management of the communications department was tardy in making responses to the complaints of its own clientele, that it was slow to communicate with its own employees, and that it utterly failed to use any form of progressive discipline. While the employer's personnel policies are not themselves at issue here, these circumstances undermine the employer's arguments to the extent that they seek to project an image of the employer as pursuing sound business or personnel procedures. Accordingly, the complainant's arguments concerning the

retaliatory nature of the discharges become somewhat more persuasive when viewed in the context of the employer's lax personnel procedures.

This is not a case, however, where (as often happens in discriminatory discharge situations) the allegations against the discharged employees are brought forth from within the employer's management. To the contrary, it is interesting to note that the complaints against Pickrell and Beaver came from a wide variety of participating agencies. A majority of the complaints against the two individuals at issue in this case arose from within the ranks of another bargaining unit represented by the complainant. There is no credible evidence that the deputy sheriffs' concerns were based on any anti-union animus, or that they were aggravated by any management activity intended to frustrate the union's organizing campaign. In fact, the deputies consistently maintained that lack of action by communications department supervisors was responsible for the worsening relationship among the various user groups. The record reflects that the two individuals in question had caused concern throughout the entire dispatching network.

Given these facts, the operations board reacted in a manner which it believed would solve the problem presented. The board was composed of more than Sheriff Wiester and Chief Grill. The record clearly shows that a consensus of board members decided that termination was the only appropriate remedy for the existing situation.

This is not a "just cause" proceeding. Regardless of whether the respondent's personnel practices leading up to the discharge decision might be regarded as questionable, the issue before the Commission is confined narrowly to the allegation that the employer discharged the two employees to thwart a

unionization effort. As noted in City of Bellevue, Decision 2096 (PECB,1984):

Nevertheless, absent showing of anti-union motivation, an employer may discharge an employee for a good reason, a bad reason, or no reason at all without running afoul of the collective bargaining statute.

See also: Clothing Workers vs. NLRB, 564 F.2d 434,440 (CA,DC, 1977).

In this case, respondent has sustained its burden of proof that the discharges of Mark Pickrell and Duane Beaver were motivated by legitimate business concerns arising from clientele dissatisfaction with the services being provided by the communications department.

FINDINGS OF FACT

1. Lewis County is a political subdivision of the State of Washington and is a "public employer" within the meaning of RCW 41.56.030(1). To provide an integrated emergency radio dispatch network, the county established the Lewis County Communications Department as a cooperative venture which is directed by an administration board responsible for fiscal matters and an operations board responsible for personnel and service matters. Daily work is supervised by the Chief Dispatcher, Garry Austin.
2. Chauffeurs, Teamsters and Helpers Union, Local 252, a "bargaining representative" within the meaning of RCW 41.56.030(3), represents a bargaining unit of non-supervisory deputy sheriffs of the Lewis County Sheriff's Department.

3. Since its creation, the Communications Department has faced a number of complaints from participating agencies concerning the quality of dispatch services available. A majority of the complaints arose from the deputy sheriffs, who had previously operated a separate dispatching center dedicated solely to the deputies' needs.
4. Mark Pickrell, a "public employee within the meaning of RCW 41.56.030(1)", was hired as a dispatcher in July, 1984. Pickrell had an unsettled employment relationship with the Communications Department. During his term of service, Pickrell had difficulty in preparing reports, using proper dispatching procedure, and maintaining contact with emergency service personnel. The employer did not follow consistent disciplinary and training procedures to correct the problems identified with Pickrell's performance.
5. Duane Beaver, a "public employee within the meaning of RCW 41.56.030(1)", was hired as a dispatcher in April, 1983. Beaver's employment relationship was also troubled. A number of user agencies complained that Beaver was not performing his duties adequately, and that he was not keeping up with the volume of radio traffic that was expected of the dispatching workforce. In September, 1984, Chief Dispatcher Austin ordered that Beaver return to probationary status to correct problems with his performance.
6. Throughout the course of their employment, Pickrell and Beaver were involved in a number of incidents with individual members of the sheriff department's staff. In Pickrell's case, one deputy, John McCroskey, had continuing personal problems with the manner in which Pickrell conducted himself on the job.

7. During the Autumn of 1984, the union began an organizing campaign in the Lewis County Communications Department. On October 3, 1984, the union filed a petition with the Public Employment Relations Commission, seeking certification as exclusive bargaining representative of a bargaining unit composed of full-time and regular part-time dispatchers employed by the Lewis County Communications Department. The petition was docketed as Lewis County, Case No. 5479-E-84-984 and was processed routinely.
8. By the Autumn of 1984, problems within the communications department began to focus primarily on the performance of Pickrell and Beaver. The members of the Sheriff's Department were particularly vocal, and several deputies raised the possibility of a boycott of the dispatch center if action was not taken.
9. Pickrell and Beaver were active in the union organizing effort initiated by Chauffeurs, Teamsters and Helpers Union, Local 252. While Communications Department supervisors and Operations Board members were generally aware of the union efforts, there were no inquiries made about individual employee sentiments toward unionization.
10. Given the continuing problems in the dispatching center, the Operations Board called an emergency meeting on January 25, 1985. During the course of that meeting, the board directed Chief Dispatcher Austin to terminate Pickrell and Beaver. The decision to discharge was based on ongoing complaints and problems noting deficiencies in the work performance of Pickrell and Beaver.
11. Pickrell and Beaver received termination reports on or about February 3, 1985.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to Chapter 41.56 RCW.
2. By its discharge of Mark Pickrell and Duane Beaver for business reasons associated with the efficient operation of the Lewis County Communications Department, and not in retaliation for Pickrell's and Beaver's participation in a union organizing campaign, Lewis County has not committed an unfair labor practice within the meaning of RCW 41.56.140(1).


Based upon the foregoing findings of fact and conclusions of law, and on the record as a whole, the Examiner makes this

ORDER

The complaint charging unfair labor practices filed in the above-entitled matter is DISMISSED.

DATED at Olympia, Washington, this 1st day of April, 1986.

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.