

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

CITY OF PASCO,)	
)	
Complainant,)	CASE 8173-U-89-1770
)	
vs.)	DECISION 3368 - PECB
)	
PASCO POLICE OFFICERS')	
ASSOCIATION,)	ORDER OF DISMISSAL
)	
Respondent.)	
)	
)	

The complaint charging unfair labor practices filed in the above-entitled matter on September 18, 1989, alleges that the Pasco Police Officers Association has committed "refusal to bargain" violations by insisting to impasse upon, and seeking interest arbitration of, its proposals concerning "grievance procedure", "employee bill of rights" and "seniority". The case was reviewed by the Executive Director for the purpose of making a preliminary ruling pursuant to WAC 391-45-110, and the employer was notified by letter dated November 15, 1989, that the complaint was insufficient for further processing.

The Grievance Procedure Issue

The union's proposal concerning "grievance procedure" deletes an exclusion of "civil service" matters and permits a contractual remedy as an alternative to proceedings before a civil service body. The decision in Rose v. Erickson, 106 Wa.2d 420 (1986) arose out of just such a situation, and the Supreme Court endorsed the viability of union-represented employees seeking a remedy through

collective bargaining for matters that could also be covered by statutory civil service procedures.

Auto Sheet Metal Workers v. City of Seattle, 27 Wn.App 699 (1980) is inapposite. Although Chapter 41.12 RCW may set forth a state-wide framework for local civil service systems, it is clear that "uniformity" of such systems is diminished by their inherent "local" nature.

The Employee Bill of Rights Issue

The union's "Bill of Rights" proposal addresses a number of employee concerns in the area of due process preceding discipline, union representation, political activity and personnel records. Detailed review of the actual provisions of the proposal disclosed that each of the provisions fell within: (1) The right of employees to union representation in "investigatory" interviews under NLRB v. J. Weingarten, Inc., 420 U.S. 251 (1975) and Okanogan County, Decision 2252-A (PECB, 1986); (2) the right of an exclusive bargaining representative within the duty to bargain¹ to have, upon request, employer information that is reasonably necessary to its bargaining and grievance administration; or (3) bargainable subjects within the "wages, hours and working conditions" scope of the statute.

The Seniority (Layoff/Recall) Issue

The employer's objections to the union's proposal on "seniority" (and more specifically to contractual provisions governing layoff and recall) are based on the same "civil service" arguments that are rejected above. The Commission has long held that matters

¹ See, King County, Decision 3030 (PECB, 1988).

concerning "layoff" are a mandatory subject of collective bargaining within the "working conditions" category of the statute. Federal Way School District, Decision 232-A (EDUC, 1977).

The employer was given a period of 14 days in which to file and serve an amended complaint sufficient to state a cause of action, and was advised that the case would be dismissed in the absence of such an amendment. Nothing further has been heard or received from the employer.

NOW, THEREFORE, it is

ORDERED

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

Dated at Olympia, Washington, the 8th day of December, 1989.

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.