

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

UNITED FACULTY COALITION OF)	
GREEN RIVER COMMUNITY COLLEGE,)	
)	
Complainant,)	CASE 8934-U-90-1966
)	
vs.)	DECISION 3861-A - CCOL
)	
GREEN RIVER COMMUNITY COLLEGE,)	
)	
Respondent.)	ORDER OF DISMISSAL
)	
)	

On December 10, 1990, the United Faculty Coalition of Green River Community College (UFC) filed a complaint charging unfair labor practices with the Public Employment Relations Commission. The UFC alleged that Green River Community College had violated RCW 28B.52.073 in connection with contract negotiations between the parties.

The matter was considered by the Executive Director for the purposes of making a preliminary ruling pursuant to WAC 391-45-110, and a letter was sent to the parties on December 21, 1990, calling attention to various defects in the complaint as filed. An amended statement of facts was filed on January 15, 1991.

The amended complaint was the subject of a preliminary ruling issued as a formal order on September 6, 1991.¹ Several allegations were dismissed. Others that stated a cause of action were: (1) A "refusal to bargain" allegation concerning "English as a Second Language" teachers, counselors, librarians and media specialists; (2) A "circumvention" allegation involving separate

¹ Green River Community College, Decision 3861 (CCOL, 1992).

meetings with counselors, librarians and media specialists, and concerning distribution of a purported contract document; (3) A "good faith" allegation about withdrawal from offers made at the bargaining table; (4) An "interference" allegation about harassment of union officials; (5) A "refusal to bargain" allegation that the employer conditioned agreement on the withdrawal of pending unfair labor practice charges; (6) "refusal to bargain" allegations about delay tactics during bargaining and the employer's negotiator being unprepared; and (7) "unilateral changes" concerning grievances, sick leave and payroll deductions.

The case was assigned to Examiner Jack T. Cowan for further proceedings under Chapter 391-45 WAC. Examiner Cowan made contact with the UFC to schedule a hearing, but was advised that the UFC did not desire to proceed with the above-captioned matter at that time. Although the UFC apparently acknowledged that most of the issues had been resolved, it advised Examiner Cowan that it was reluctant to withdraw the "unilateral change affecting sick leave" issue, which was also framed in another case involving the same parties.²

A hearing was held before Examiner J. Martin Smith on Case 8889-U-90-1952 eventually led to the decision in Green River Community College, Decision 4008-A (CCOL, 1993). Examiner Smith dismissed the UFC's complaint concerning a "unilateral change of sick leave" on the merits. The UFC did not file a petition for review, and that matter is now closed.

In a letter dated September 8, 1993, the UFC was advised that the decision in the parallel case appeared to be res judicata on what appeared to be the only surviving issues in the above-captioned case, and gave the UFC a period of 21 days in to show cause why this matter should not be dismissed as a duplicate filing (with

² Case 8889-U-90-1952.

respect to the "unilateral change of sick leave policies") and for lack of prosecution (with respect to all other issues). Nothing further has been heard or received from the UFC.


NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices filed in the above-captioned matter shall be, and hereby is, DISMISSED as a duplicate filing and/or for lack of prosecution.

Issued at Olympia, Washington, on the 19th day of October, 1993.

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.