

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

FIRCREST POLICE GUILD,	)	
	)	
Complainant,	)	CASE 12344-U-96-2921
	)	
vs.	)	DECISION 5669 - PECB
	)	
CITY OF FIRCREST,	)	
	)	
Respondent.	)	PARTIAL ORDER OF DISMISSAL
	)	
	)	

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On February 22, 1996, the Fircrest Police Guild filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, alleging that the City of Fircrest interfered with employee rights and refused to bargain with the union. In a preliminary ruling letter issued on May 31, 1996,<sup>1</sup> the complaint was found to state a cause of action with respect to allegations that the employer implemented a new position of investigator without prior bargaining to impasse on working conditions and terms of employment for that position. The guild was advised that the complaint was insufficient to state a cause of action with regard to matters communicated between employer and union officials during the processing of a grievance. The union was given a period of 14 days in which to amend its complaint, or face dismissal of the insufficient allegations.

No amendment to the complaint was filed. The fact of dealing with a union representative concerning a grievance, including voicing an

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<sup>1</sup> At this stage of the proceedings, all of the facts alleged in the complaint are assumed to be true and provable. The question at hand is whether, as a matter of law, the complaint states a claim for relief available through unfair labor practice proceedings before the Commission. WAC 391-45-110.

opinion that there are no grounds for the grievance, within the expected roles and responsibilities of management and labor officials. Dismissal of the insufficient allegation is appropriate at this time.

NOW, THEREFORE, it is

ORDERED

1. The allegation that the employer violated RCW 41.56.140(4) by its dealing with a guild representative is DISMISSED as failing to state a cause of action.
2. With regard to the allegation that the employer interfered with employee rights and refused to bargain, by implementing a new position of investigator without prior bargaining to impasse on working conditions and terms of employment for that position, PLEASE TAKE NOTICE THAT the City of Fircrest (the "respondent" in this matter) shall:

**File and serve its answer to the complaint within  
21 days following the date of this letter.**

An answer filed by the respondent shall:

a. Specifically admit, deny or explain each of the facts alleged in the complaint, except if the respondent is without knowledge of the facts, it shall so state, and that statement will operate as a denial.

b. Assert any affirmative defenses that are claimed to exist in the matter.

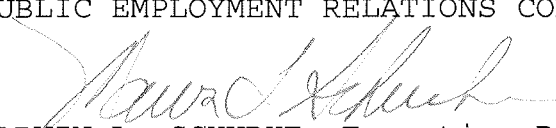
The original answer and one copy shall be filed with the Commission at its Olympia office. A copy of the answer shall be served, on the same date, on the attorney or principal

representative of the person or organization that filed the complaint.

Except for good cause shown, a failure to file an answer within the time specified, or the failure of an answer to specifically deny or explain a fact alleged in the complaint, will be deemed to be an admission that the fact is true as alleged in the complaint, and as a waiver of a hearing as to the facts so admitted. WAC 391-45-210.

Issued at Olympia, Washington, this 11th day of September, 1996.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

Paragraph 1 of this order may be appealed by filing a petition for review with the Commission pursuant to WAC 391-45-350.