

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

SEATTLE POLICE MANAGEMENT)	
ASSOCIATION,)	
)	
Complainant,)	CASE 13234-U-97-3218
)	
vs.)	DECISION 6034-A - PECB
)	
CITY OF SEATTLE,)	
)	
Respondent.)	ORDER OF REMAND
)	
_____)	

This case comes before the Commission on a petition for review filed by the Seattle Police Management Association (union), seeking to overturn an order of dismissal issued by Executive Director Marvin L. Schurke under WAC 391-45-110.¹

BACKGROUND

In its complaint filed on June 11, 1997, the union alleged that the City of Seattle (employer) refused to bargain in violation of RCW 41.56.140(4), by unilaterally amending its ordinance, policies and procedures to provide for citizen observers of proceedings before boards convened to review incidents of discharge of firearms by police officers, including those represented by complainant. The complaint was reviewed for the purpose of making a preliminary ruling under WAC 391-45-110, and a deficiency notice issued on July 9, 1997, gave the union a period of 14 days in which to file

¹ City of Seattle, Decision 6034 (PECB, 1997).

and serve an amended complaint, or face dismissal of the case. An amended complaint was filed on August 7, 1997.

The Executive Director analyzed the amended complaint in this case in light of the decision of the Supreme Court of the State of Washington in IAFF Local 1052 v. PERC (City of Richland), 113 Wn.2d 197 (1989), and concluded that the complaint failed to relate the alleged changes to the "wages, hours, and working conditions" in this unit of supervisory law enforcement officers.

On September 17, 1997, the union petitioned for review, thus bringing the case before the Commission.

DISCUSSION

A recent review of the cases pending before the agency disclosed that the Executive Director found a cause of action to exist on a later-filed complaint which attacks the same ordinance and policy changes from the perspective of the rank-and-file law enforcement officers in the Seattle Police Department. The Seattle Police Officers' Guild filed that complaint on July 16, 1997.² It also alleged a violation of RCW 41.56.140(4) in relation to providing citizen observers of proceedings before boards convened to review incidents of discharge of firearms by police officers. An Examiner was appointed in that case, the employer filed an answer, and a hearing has been held.

²

A case-by-case analysis is appropriate in the preliminary ruling process under WAC 391-45-110.³ In this situation, there is a potential that two different labor organizations and their separate legal counsel could frame allegations in ways that would warrant divergent results in the preliminary ruling process, but the commonality of facts warrants close scrutiny.

NOW, THEREFORE, it is

ORDERED

The order of dismissal in this matter is VACATED, and the case is remanded to the Executive Director for reconsideration under WAC 391-45-110 in light of the preliminary ruling made in Case 13306-U-97-3245, which arises out of the same underlying facts.

Issued at Olympia, Washington, on the 6th day of April, 1998.

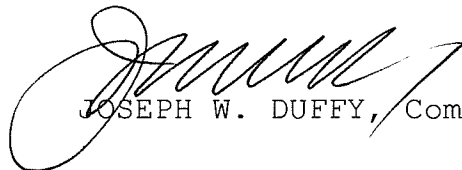
PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARILYN GLENN SAYAN, Chairperson



SAM KINVILLE, Commissioner



JOSEPH W. DUFFY, Commissioner

³ At that 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.