

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

CITY OF YAKIMA,)	
Complainant,)	CASE NO. 2426-U-79-350
vs.)	DECISION NO. 767-A, PECB
YAKIMA POLICE PATROLMAN'S ASSOCIATION,)	DECISION OF THE COMMISSION
Respondent.)	

Perkins, Coie, Stone, Olsen & Williams, by J. David Andrews and Otto G. Klein, attorneys at law, appearing on behalf of the Complainant.

John H. Rayback, attorney at law, appearing on behalf of the Respondent.

The employer has charged the union with refusal to bargain by attempting to submit "shift scheduling" to interest arbitration pursuant to RCW 41.56.450. The Executive Director dismissed the charge under WAC 391-21-510, and the employer has petitioned for review.

The unfair labor practice procedures of this agency are distinguished from the procedures of the National Labor Relations Board by the absence of agency investigation and prosecution. WAC 391-21-504 requires the pleading of sufficient facts within the complaint to state a cause of action. It was not necessary for the Executive Director to contact the City for additional facts prior to making his preliminary ruling. We have examined the "shift scheduling" proposal advanced by the union, and agree with the Executive Director that the complaint fails to state a cause of action as presently drawn.

NOW, THEREFORE, it is

ORDERED

The order of the Executive Director dismissing the complaint in the captioned matter is affirmed, subject to the right of the complainant to file an amended complaint within ten (10) days following the date of this order.

DATED this 3rd day of March, 1980.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Mary Ellen Krug
MARY ELLEN KRUG, Chairman

R. J. Williams
R. J. WILLIAMS, Commissioner