

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

VANCOUVER EDUCATION
ASSOCIATION,

Complainant,

vs.

VANCOUVER SCHOOL DISTRICT,

Respondent.

CASE 22393-U-09-5715

DECISION 10561-A - EDUC

DECISION OF COMMISSION

Eric R. Hansen, Attorney at Law, for the union.

Vanderberg Johnson & Gandara, by *John H. Binns, Jr.*, Attorney at Law, for the employer.

On April 13, 2009, the Vancouver Education Association (union) filed an unfair labor practice complaint alleging that the Vancouver School District (employer) committed an unfair labor practice by communicating directly with bargaining unit employees and thereby circumventing the exclusive bargaining representative. Examiner Jessica J. Bradley held a hearing and concluded that the employer did not commit an unfair labor practice through its actions. *Vancouver School District*, Decision 10561 (EDUC, 2009). The union now appeals.

We have reviewed the entire record and find that the Examiner correctly states the relevant legal standard to be applied. We also find that substantial evidence supports the Examiner's Findings of Fact. Finally, the Examiner properly applied the law to the facts presented. Accordingly, we affirm the Examiner's conclusion the employer did not commit an unfair labor practice through its April 8, 2009 e-mail or May 4, 2009 memorandum that were sent to bargaining unit employees summarizing the employer's position and the state of negotiations.

We further add, as a reminder to parties, that the omission of certain information in a communication from an employer to bargaining unit employees does not automatically make that statement to employees misleading. As the Examiner succinctly stated, “[t]he fact that one party may not provide a complete description of all of the proposals made in bargaining is offset by the other party’s ability to distribute information from its perspective.” *Vancouver School District*, Decision 10561. Thus, while the employer’s May 4, 2009 memo to employees may have omitted certain information, none of the information provided in the employer’s memoranda was false, and the union was able to provide information from its perspective.

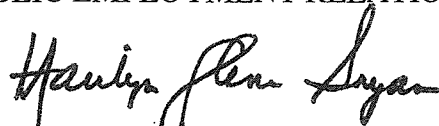
NOW, THEREFORE, it is

ORDERED

The Findings of Fact, Conclusions of Law, and Order issued by Examiner Jessica J. Bradley are **AFFIRMED** and Adopted as the Findings of Fact, Conclusions of Law, and Order of the Commission.

ISSUED at Olympia, Washington, this 25th day of April, 2011.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARILYN GLENN SAYAN, Chairperson



PAMELA G. BRADBURN, Commissioner



THOMAS W. McLANE, Commissioner



PUBLIC EMPLOYMENT RELATIONS COMMISSION

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PUBLIC EMPLOYMENT RELATIONS COMMISSION

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