

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

GREEN RIVER UNITED FACULTY
COALITION,

Complainant,

vs.

GREEN RIVER COLLEGE,

Respondent.

CASE 128099-U-16

DECISION 12571 - CCOL

DECISION OF COMMISSION ON
MOTION FOR TEMPORARY RELIEF

Laura Ewan, Attorney at Law, Schwerin Campbell Barnard Iglitzin & Lavitt, LLP,
for the Green River United Faculty Coalition.

John Clark, Assistant Attorney General, Attorney General Robert W. Ferguson, for
Green River College.

On December 21, 2015, the Green River United Faculty Coalition (union) filed an unfair labor practice complaint against Green River College (employer) and notice of an intent to file a motion for temporary relief. The Unfair Labor Practice Manager reviewed the complaint in accordance with WAC 391-45-110 and issued a preliminary ruling for employer refusal to bargain.

On January 27, 2016, the union filed a motion for temporary relief under WAC 391-45-430. On February 3, 2016, the employer filed its response to the union's motion. On February 11, 2016, the Commission denied the union's motion for temporary relief. *Green River College*, Decision 12545 (CCOL, 2016).

On April 5, 2016, the union filed a renewed motion for temporary relief. On April 15, 2016, the employer filed a response opposing the union's motion. The Commission has considered the parties' briefs, declarations, and arguments.

In its unfair labor practice complaint, the union alleged that the employer unilaterally replaced the Program Assessment and Improvement (PA&I) process in the collective bargaining agreement and

implemented the Program Prioritization Process (PPP). The union also alleged that the employer refused to bargain the decision to replace the PA&I process, refused to bargain the decision to implement the PPP, and refused to bargain the effects of the decision to implement the PPP. The union alleged the PPP is a process by which the employer can identify programs and jobs to cut and eliminate.

The renewed motion for temporary relief includes facts about what has happened with the PPP since the union filed its complaint. The union asserts that the PPP is being used to eliminate programs and lay off employees.

In its response the employer counters that it communicated to the union that the PPP was not going to be used to eliminate programs and lay off employees. The parties' collective bargaining agreement contains a detailed procedure for layoffs. The employer alleges that it offered to bargain with the union, but the union has steadfastly refused to bargain the impacts of the PPP. Finally, as the employer points out, in neither of the union's motions for temporary relief has the union explained what temporary relief it requests the Commission to seek.

In rare circumstances, the Commission grants a request for temporary relief. *Olympia School District*, Decision 517-H (EDUC, 1978); *Steilacoom Historical School District*, Decision 2527 (EDUC, 1986); *City of Tacoma*, Decision 5686 (PECB, 1996).

WAC 391-45-430 governs motions for temporary relief. The Commission does not grant temporary relief unless it appears that one or more of the allegations in the unfair labor practice complaint "is of such a nature that, if sustained, the complainant would have no fair or adequate remedy and the complainant would suffer irreparable harm unless the status quo be preserved pending the completion of administrative proceedings." WAC 391-45-430(5).

The Commission is not prejudging the merits of the case. A question continues to exist as to whether the complaint will be sustained. While the union argues that it would be impossible to adequately restore the status quo, the union has failed to establish that it lacks an adequate remedy

for the unfair labor practice complaint and would suffer irreparable harm if the status quo is not maintained until the completion of normal administrative proceedings.

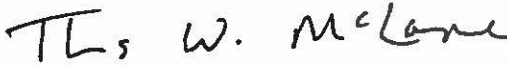
ORDER

The motion for temporary relief is DENIED.

ISSUED at Olympia, Washington, this 3rd day of May, 2016.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


THOMAS W. McLANE, Commissioner


MARK E. BRENNAN, Commissioner



PUBLIC EMPLOYMENT RELATIONS COMMISSION

112 HENRY STREET NE SUITE 300
PO BOX 40919
OLYMPIA, WASHINGTON 98504-0919

MARILYN GLENN SAYAN, CHAIRPERSON
THOMAS W. McLANE, COMMISSIONER
MARK E. BRENNAN, COMMISSIONER
MIKESELLARS, EXECUTIVE DIRECTOR

RECORD OF SERVICE - ISSUED 05/3/2016

DECISION 12571 - CCOL has been mailed by the Public Employment Relations Commission to the parties and their representatives listed below:


BY: DEBBIE BATES

CASE NUMBER: 128099-U-16

EMPLOYER: GREEN RIVER COLLEGE
ATTN: EILEEN ELY
12401 SE 320TH ST
AUBURN, WA 98092-3622
eely@greenriver.edu
(253) 288-3340

REP BY: JOHN D. CLARK
OFFICE OF THE ATTORNEY GENERAL
800 5TH AVE STE 2000
SEATTLE, WA 98104-3188
johnc5@atg.wa.gov
(206) 389-2059

PARTY 2: GREEN RIVER UNITED FACULTY COALITION
ATTN: JAENEY HOENE
12401 SE 320TH ST
AUBURN, WA 98092-3622
jhoene@greenriver.edu
(253) 833-9111

REP BY: MERRILEE J. MIRON
AFT WASHINGTON
625 ANDOVER PARK W STE 111
TUKWILA, WA 98188
mmiron@aftwa.org
(206) 242-4777

DMITRI IGLITZIN
SCHWERIN CAMPBELL BARNARD IGLITZIN & LAVITT LLP
18 W MERCER ST STE 400
SEATTLE, WA 98119-3971
iglitzin@workerlaw.com
(206) 285-2828

LAURA EWAN
SCHWERIN CAMPBELL BARNARD IGLITZIN & LAVITT LLP
18 W MERCER ST STE 400
SEATTLE, WA 98119
ewan@workerlaw.com
(206) 257-6012