

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

SNOCOM DISPATCHERS  
ASSOCIATION,

Complainant,

vs.

SOUTHWEST SNOHOMISH COUNTY  
PUBLIC SAFETY COMMUNICATIONS  
AGENCY,

Respondent.

CASE 23032-U-10-5868

DECISION 11149-A - PECB

ORDER REMANDING CASE

Cline & Associates, by *Reba Weiss*, Attorney at Law, and *Christopher J. Casillas*, Attorney at Law, for the union.

Summit Law Group PLLC, by *Rodney Younker*, Attorney at Law, for the employer.

On September 16, 2011, the Southwest Snohomish County Public Safety Communications Agency (employer) appealed Decision 11149. On September 26, 2009, the SNOCOM Dispatchers Association (union) cross-appealed. On October 6, 2011, the employer filed its appeal brief with attachments: a declaration, employee Jodi Basim's (Basim) letter of resignation, and additional evidence in support of that portion of its appeal regarding the remedy ordered by the Examiner concerning Basim.

On October 10, 2011, the union filed a motion to strike the employer's brief, arguing that the employer's brief violated WAC 391-45-270(2) by introducing new evidence and WAC 391-45-350(9) by improper formatting. On October 13, 2011, the Executive Director issued a letter inviting the employer to respond to the union's motion to strike by October 21, 2011.

On October 21, 2011, the employer filed a brief in opposition to the union's motion to strike and, as an alternative, requested the Commission re-open the hearing under WAC 391-45-270(2). The employer argued that there was no mechanism in place for it to submit the new evidence, that the new evidence did not become relevant until the Examiner issued her decision and order, and the new evidence supports the employer's appeal of the remedies ordered by the Examiner.

It would be inappropriate for the Commission to consider this new evidence for the first time on appeal. We are not pre-judging the merits of the appeal or cross-appeal. The employer has shown good cause as to why it may be unable to comply with the remedial order and the evidence attached to its appeal brief may be relevant to the remedy. In light of the unusual circumstances in this case, we remand the case to the Examiner for the sole purpose of considering only that portion of her decision pertaining to the remedy relating to Basim.

This Commission has not, and will not, review the record or make any judgments on the appeal or cross-appeal until the remanded proceedings are complete.


NOW, THEREFORE, it is

ORDERED

The case is REMANDED to Examiner Bradley for purposes of re-opening the hearing to consider only that portion of her decision regarding the remedy relating to Jodi Basim.

ISSUED at Olympia, Washington, this 27th day of October, 2011.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
MARILYN GLENN SAYAN, Chairperson

  
THOMAS W. McLANE, Commissioner

Commissioner Bradburn did not participate  
in the consideration or decision of this case.



## PUBLIC EMPLOYMENT RELATIONS COMMISSION

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PUBLIC EMPLOYMENT RELATIONS  
COMMISSION

  
BY: /s/ ROBBIE DUFFIELD

CASE NUMBER: 23032-U-10-05868 FILED: 02/10/2010 FILED BY: PARTY 2  
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BAR UNIT: DISPATCHERS  
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COMMENTS:

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