

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)
)
MERCER ISLAND POLICE ASSOCIATION) CASE 13259-C-97-839
)
For clarification of an existing) DECISION 6330 - PECB
bargaining unit of employees of:)
)
CITY OF MERCER ISLAND) ORDER CLOSING CASE
)
)
_____)

Aitchison and Vick, by Christopher K. Vick, Attorney at Law, appeared on behalf of the Mercer Island Police Association.

David E. Kahn, City Attorney, appeared on behalf of the employer.

Webster, Mrak, and Blumberg, by James H. Webster, Attorney at Law, appeared on behalf of the intervenor, International Association of Fire Fighters, Local 1762.

On June 23, 1997, the Mercer Island Police Association filed a petition for clarification of an existing bargaining unit with the Public Employment Relations Commission under Chapter 391-35 WAC, seeking the accretion of a newly-created marine patrol technician position at the City of Mercer Island into a bargaining unit of non-commissioned police personnel represented by that organization. On July 22, 1997, International Association of Fire Fighters, Local 1762, filed a motion to intervene in the proceedings, asserting that the position belonged in its bargaining unit of fire fighters.

On November 6, 1997, Martha M. Nicoloff of the Commission staff was designated as Hearing Officer, to conduct further proceedings in

the case. By letter dated November 7, 1997, the Hearing Officer scheduled a prehearing conference to be held by telephone conference call on November 19, 1997. During the course of that prehearing conference, all of the parties agreed to set February 3, 1998, as the date for a hearing in this matter.

On November 24, 1997, the Mercer Island Police Association filed a written objection to the intervention of Local 1762 in this case.¹ It asserted that the disputed position is not within the definition of "uniformed personnel" eligible for interest arbitration under RCW 41.56.430 et seq., and that its inclusion in the bargaining unit of uniformed personnel represented by Local 1762 would violate Commission precedent. The employer volunteered a response to that motion on December 15, 1997, urging that both organizations should be allowed to participate in any hearing in the matter, and stating that it would comply with the decision of the Commission as to the appropriate unit placement of the position.

By letter dated January 13, 1998, the Hearing Officer invited Local 1762 to comment on the objection to its intervention in this matter. Local 1762 subsequently requested an extension of the time for its response, and informed the Hearing Officer that the parties were engaged in settlement discussions which would hopefully resolve the matter. The request for more time was granted. On January 27, 1998, Local 1762 submitted a letter withdrawing its motion for intervention in this proceeding.

In separate telephone conversations with representatives of the Mercer Island Police Association and the employer soon after

¹ During the course of the prehearing conference, the attorney for the Mercer Island Police Association had advised the other parties and the Hearing Officer of his intent to make such a motion.

January 27, 1998, the Hearing Officer was advised that the matter had been settled, and that the petition would be withdrawn. Consequently, the hearing set for February 3, 1998, was canceled.

In telephone calls on several subsequent occasions, the Hearing Officer has made requests to the attorney representing the Mercer Island Police Association attorney, and to his office staff, that a written withdrawal of the petition be submitted if the matter was, indeed, settled. At one time, the attorney stated his belief that a withdrawal document had already been submitted, and he would send an additional copy. At no time has the Hearing Officer been given any information or indication that the settlement had been rejected, or that any dispute remained between the parties. Nevertheless, no withdrawal document has been received.

The Executive Director has considered the matter and, under the circumstances set forth above, is satisfied that this dormant case should be stricken from the Commission's docket of pending cases.


NOW, THEREFORE, it is

ORDERED

The proceedings in the above-captioned matter are CLOSED.

Issued at Olympia, Washington, on the 9th day of June, 1998.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARVIN L. SCHURKE, Executive Director

This order will be the final order of the agency unless appealed by filing a petition for review with the Commission pursuant to WAC 391-35-210.