

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:

TEAMSTERS LOCAL 117

For a declaratory order involving:

UNIVERSITY OF WASHINGTON

CASE 134986-D-22

DECISION 13502 - PSRA

DECISION OF COMMISSION

*Eamon S. McCleery*, Senior Staff Attorney, for Teamsters Local 117.

*Jennifer Schubert*, Assistant Attorney General, Attorney General Robert W. Ferguson, for the University of Washington.

On March 28, 2022, Teamsters Local 117 (union) filed a petition for a declaratory order under WAC 391-08-520. The union sought a “declaratory order to resolve the issue of whether participation in the [Teamsters] Retiree’s Welfare Trust is a permissive subject of bargaining pursuant to RCW 41.80.020 or whether it is an illegal subject of bargaining as a consequence of being preempted by RCW 41.80.040 and/or chapter 41.05 RCW, and/or chapter 41.50.” On March 30, 2022, Executive Director Michael Sellars sent written notice of the petition to the University of Washington (employer), the Washington State Office of Financial Management (OFM), and the union. The notice set a deadline of April 12, 2022, for necessary parties to respond whether they consented to the petition under WAC 391-08-520(3).

On March 31, 2022, OFM responded that it did not consider itself to be a necessary party to the petition. However, in the event the Commission determines OFM is a necessary party, OFM does not consent to the determination of the issue by a declaratory order.

On April 1, 2022, the employer filed a response in opposition to the petition for a declaratory order. The employer did not consent to determination of the issue by declaratory order. The employer

further argued the issue is not within the Commission’s jurisdiction and there is no current controversy that the petition would resolve.

The Commission shall not issue a declaratory order if “[a] necessary party whose rights would be substantially prejudiced does not consent, in writing, to the determination of the matter by a declaratory order.” WAC 391-08-520(3)(b). The employer is a necessary party and does not consent to the declaratory order. The Commission cannot issue a declaratory order because all necessary parties have not consented.


ORDER

The petition for a declaratory order is DENIED.

ISSUED at Olympia, Washington, this 26th day of April, 2022.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
MARILYN GLENN SAYAN, Chairperson

  
MARK BUSTO, Commissioner

  
KENNETH J. PEDERSEN, Commissioner

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under RCW 34.05.542.



# RECORD OF SERVICE

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ISSUED ON 04/26/2022

DECISION 13502 - PSRA has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

BY: AMY RIGGS

CASE 134986-D-22

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