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STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION

CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR

112 Henry Street NE, Suite 300 • Post Office Box 40919 • Olympia, Washington 98504-0919
(360) 570-7300 • Fax: (360) 570-7334 • E-mail filings: filing@perc.wa.gov • Website: www.perc.wa.gov
December 20, 2011

Mark Yamashita
Office of the Attorney General
University of Washington
Box 359475
Seattle, Washington 98195-9475

James V. Smith II
Teamsters Local 117
14675 Interurban Avenue South, Suite 307
Tukwila, Washington 98168-4614

Re: PRELIMINARY RULING
University of Washington
Case 24391-U-11-6252
Filed November 10, 2011
Amended December 13, 2011

Dear Parties:

The amended complaint charging unfair labor practices filed in this matter has been reviewed under WAC 391-45-110. The allegations concern:

- [1] Employer refusal to bargain in violation of RCW 41.80.110(1)(e) [and if so, derivative interference in violation of RCW 41.80.110(1)(a)], by breach of its good faith bargaining obligations toward Teamsters 117, in changing the status quo in violation of WAC 391-25-140(2) and RCW 41.80.010(7), regarding workplace surveillance cameras, use of holding cells, shift schedules, paid uniform/equipment doffing practices, shift trades, leave use and leave approval, and paid release time/shift adjustments to attend contract negotiation meetings;
- [2] Employer interference with employee rights in violation of RCW 41.80.110(1)(a), by threats of reprisal or force or promises of benefit made to all bargaining unit members in changing the status quo under WAC 391-25-140(2) and RCW 41.80.010(7), regarding workplace surveillance cameras, use of holding cells, shift schedules, paid uniform/equipment doffing practices, shift trades, and leave use and leave approval;



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- [3] Employer interference with employee rights in violation of RCW 41.80.110(1)(a), by threats of reprisal or force or promises of benefit made to Ray Wilson (Wilson), Mark Hackett, and Wendy Matsuyama in changing the status quo under WAC 391-25-140(2) and RCW 41.80.010(7), regarding paid release time/shift adjustments to attend contract negotiation meetings;
- [4] Employer discrimination in violation of RCW 41.80.110(1)(c) [and if so, derivative interference in violation of RCW 41.80.110(1)(a)], by prohibiting Lynell Ray (Ray) from using shift trades, in reprisal for union activities protected by Chapter 41.80 RCW;
- [5] Employer interference with employee rights in violation of RCW 41.80.110(1)(a), by threats of reprisal or force or promises of benefit made in connection with union activities, through informing (a) union officers in an email of August 27, 2011, and (b) Ray and Wilson on October 6, 2011, that shift trades for all bargaining unit members were prohibited due to Ray's use of contractual sick leave; and
- [6] Employer discrimination in violation of RCW 41.80.110(1)(c) [and if so, derivative interference in violation of RCW 41.80.110(1)(a)], by prohibiting shift trades for all bargaining unit members in reprisal for Ray's union activities protected by Chapter 41.80 RCW.

Assuming for purposes of this preliminary ruling that all of the facts alleged in the amended complaint are true and provable, it appears that an unfair labor practice violation could be found.

WAC 391-45-110(2) **requires the filing of an answer** in response to a preliminary ruling which finds a cause of action to exist. Cases are reviewed after the answer is filed, to evaluate the propriety of a settlement conference under WAC 391-45-260, priority processing, or other special handling.

PLEASE TAKE NOTICE that the person or organization charged with an unfair labor practice in this matter (the "respondent") shall:

File and serve its answer to the amended complaint within 21 days following the date of this letter.

The answer shall be filed with the Commission at its Olympia office. A copy of the answer shall be served on the attorney or principal representative of the person or organization that filed the amended complaint. Service shall be completed no later than the day of filing. An answer shall:

1. Specifically admit, deny or explain each fact alleged in the amended complaint, except if a respondent states it is without knowledge of the fact, that statement will operate as a denial; and
2. Assert any affirmative defenses that are claimed to exist in the matter.

Except for good cause shown, a failure to file an answer within the time specified, or the failure to file an answer to specifically deny or explain a fact alleged in the amended complaint, will be deemed to be an admission that the fact is true as alleged in the amended complaint, and as a waiver of a hearing as to the facts so admitted. WAC 391-45-210.

An examiner will be designated to conduct further proceedings in this matter pursuant to Chapter 391-45 WAC. Until an examiner is assigned, all correspondence and motions should be directed to the undersigned.

Very truly yours,

PUBLIC EMPLOYMENT RELATIONS COMMISSION



DAVID I. GEDROSE, Unfair Labor Practice Manager

DIG:dlt

cc: Peter Denis
Tracey Thompson