

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

VANCOUVER POLICE OFFICERS GUILD)	
)	CASE 14411-U-99-3569
)	DECISION 7013-A - PECB
Complainant,)	
)	CASE 14580-U-99-3645
vs.)	DECISION 7014-A - PECB
)	
CITY OF VANCOUVER,)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW
Respondent.)	ORDER
)	

David Snyder, Attorney at Law, appeared on behalf of the complainant.

Graham and Dunne, by James M. Shore, Attorney at Law, and Debra Quinn, Assistant City Attorney, appeared on behalf of the respondent.

This case is before the Examiner for response to a "Consent Order" filed by the parties on December 1, 2000. The Examiner concludes that entry of the requested order is appropriate in these cases.

BACKGROUND

On February 23, 1999, the Vancouver Police Officers Guild (union) filed the first of these unfair labor practice complaints against the City of Vancouver (employer), alleging interference with employee rights in violation of RCW 41.56.140(1). Case 14411-U-99-3569. On May 17, 1999, the union filed the second of these unfair labor practice complaints, again alleging employer interference in violation of RCW 41.56.140(1). Case 14580-U-99-3645. Both cases concern internal affairs interviews. The cases were consolidated

before the undersigned Examiner. On September 27, 1999, the union filed a motion for summary judgment.

The union's motion was granted in part and denied in part in an order issued on April 6, 2000.¹ The parties thereafter advised the Examiner that they were engaged in settlement discussions.

The document filed on December 1, 2000, lists both case numbers assigned by the Commission, and begins:

Complainant Vancouver Police Officers Guild and Respondent City of Vancouver have settled this case. Respondent City has agreed to allow its officers to consult with Guild representatives or the Guild's attorney regarding IA interviews. As such, Complainant has agreed to withdraw its unfair labor practice charges filed against Respondent without costs and attorneys fees upon entry of the following consent order. The parties waive hearing in the above referenced matters and consent to entry of findings of fact, conclusions of law and order as follows.

¹ City of Vancouver, Decision 7013 (PECB, 2000). The text of that order is as follows:

1. The complainant's motion for summary judgment is DENIED with respect to the allegations concerning imposition of a no-disclosure rule and imposition of limitations on the participation of the union representative. A hearing will be scheduled to take evidence on those subjects.
2. The union's motion for summary judgment is GRANTED with respect to the allegations concerning the right of employees to union representation, and those matters shall not be a subject of the hearing in this matter.

Further details concerning the background to this dispute are set forth in that decision.

The document filed December 1, 2000, was signed by Debra Quinn on behalf of the employer and by David Snyder on behalf of the union.²

Precedents for acceptance and entry of a consent order date back to 1978. See Lynden School District, Decision 387 (EDUC, 1978) and Boistfort School District, Decision 536 (EDUC, 1978). The consent order becomes the rule of the case in such situations.³

The consent order filed by the parties in this case on December 1, 2000, is hereby approved and made a part of the record in these proceedings. On the basis of that consent order, and the entire record in the proceeding, the Examiner makes the following:

FINDINGS OF FACT

1. The City of Vancouver is a public employer within the meaning of RCW 41.56.030(1).
2. Vancouver Police Officers Guild, a bargaining representative within the meaning of RCW 41.56.030(3), is the exclusive bargaining representative of an appropriate bargaining unit of

² The Consent Order contains a proposed ruling that the City agrees to allow police officers or other employees represented by the union the right to confer with their elected union representative or the union's attorney regarding internal affairs interviews. The employer would also allow bargaining unit employees who are performing union business (such as representing a fellow officer) to confer with a union executive board member or the union's attorney.

³ Different from the cited cases, the parties have not specifically requested (and the Examiner does not order) that steps be taken to file the consent order in court.

police officers, corporals, and sergeants employed by the City of Vancouver.

CONCLUSIONS OF LAW

1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to Chapter 41.56 RCW.
2. With the parties' filing of December 1, 2000, including a waiver of a hearing in these matters, all conditions to the entry of a consent order under RCW 41.56.160 are met.

CONSENT ORDER

The City of Vancouver, its officers and agents, shall immediately CEASE and DESIST from:

1. Barring employees represented by the Vancouver Police Officers Guild from conferring with their elected union representatives or the union's attorney regarding internal affairs interviews.
2. Barring an officer performing union business such as representing a fellow officer in an internal affairs interview from conferring with the union's executive board or the union's attorney.

Issued at Olympia, Washington, on the 21st day of December, 2000.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


J. MARTIN SMITH, Examiner