

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

YAKIMA POLICE PATROLMEN'S)	
ASSOCIATION,)	
)	CASE 19206-U-05-04882
Complainant,)	
)	DECISION 9062 - PECB
vs.)	
)	
CITY OF YAKIMA,)	
)	ORDER DENYING
Respondent.)	MOTION TO AMEND
_____)	

On February 16, 2005, Yakima Police Patrolmen's Association (union) filed a complaint charging unfair labor practices with the Public Employment Relations Commission, naming City of Yakima (employer) as respondent. A preliminary ruling was issued on April 7, 2005, finding a cause of action to exist with respect to allegations of:

Employer interference with employee rights in violation of RCW 41.56.140(1) and refusal to bargain in violation of RCW 41.56.140(4), by circumventing the union through direct dealing with Brian Dahl, an employee represented by the union in issuance of a return to work order, unilateral change in drug testing of employees without providing an opportunity for bargaining, and breach of its good faith bargaining proposals concerning drug testing.

In response to the preliminary ruling, the employer filed a timely answer on April 29, 2005.

On July 18, 2005, the union moved to amend the original complaint, to add allegations of "employer domination or assistance of union" and "employer discrimination for filing charges" to the case.

In a letter dated July 25, 2005, the Examiner requested that the employer respond to the union's motion. On August 19, 2005, the employer filed an answer to the amended complaint, but did not respond to the Examiner's request.

Under WAC 391-45-070(1), a complaint may be amended if, in addition to other qualifiers:

(c) the subject matter of the proposed amendment is germane to the subject matter of the complaint as originally filed or previously amended.

The Examiner finds the proposed amendment is not germane to the original complaint. In accordance with WAC 391-45-070(3), the proposed amendments will be docketed as a new case and processed independently. As stated in the Notice of Hearing dated August 3, 2005, a hearing on the original complaint will take place on October 25, 2005.

NOW, THEREFORE, it is

ORDERED

The motion to amend the complaint charging unfair labor practices in this matter is denied.

ISSUED at Olympia, Washington, this 24th day of August, 2005.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



CHRISTY L. YOSHITOMI, Examiner