

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
ALFRED J. LUNDE)	CASE 8034-E-89-1358
Involving certain employees of:)	DECISION 3339-A - PECB
CITY OF SEATTLE)	DECISION OF COMMISSION
)	
)	

Alfred J. Lunde, appeared pro se.

Douglas N. Jewett, City Attorney, by James Pidduck, Assistant City Attorney, appeared on behalf of the City of Seattle.

James Freeman, District Council of Carpenters Representative, appeared on behalf of the incumbent exclusive incumbent bargaining representative, Carpenters Union, Local 131.

This case comes before the Commission on a petition of Alfred J. Lunde for review of a decision issued by Executive Director Marvin L. Schurke.

On June 13, 1989, Lunde filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission, seeking to decertify Carpenters Local 131 as the exclusive bargaining representative of a group of approximately 13 individuals employed by the City of Seattle in the classifications of building inspector, senior inspector, and structural inspector in the employer's Department of Construction and Land Use. Carpenters Local 131 was granted intervention in the proceedings, pursuant to WAC 391-25-170. A pre-hearing conference was conducted pursuant to WAC 391-08-210, and a statement of results was issued. The Executive Director issued a decision on November

9, 1989, dismissing the petition as an inappropriate "severance decertification".

On November 29, 1989, Lunde filed a handwritten petition for review, as follows:

Please be advised of our request for "Petition for review with the Commission pursuant (sic) to WAC 391-25-390(2)."

The document does not indicate that copies were being served on the employer or the intervenor. Lunde made a telephonic request on December 13, 1989 for additional time to file an appeal brief, but nothing further has been heard or received from him.

Acting at the direction of the Commission, the Executive Director made contact with the employer and union on January 29, 1990, to ascertain why no responses had been filed to the petition for review. Indications from both of those parties were that they were not served with a copy of the petition for review or any appeal brief. This was confirmed by the employer in a letter filed on February 7, 1990. The employer's letter indicated, further, that it had been advised that the appeal was to be withdrawn.

WAC 391-08-120 requires:

All notices, pleadings, and other papers filed with the agency or the presiding officer shall be served upon all counsel and representatives of record and upon parties not represented by counsel or upon their agents designated by them or by law.

The requirement for "service" on opposing parties was recently enforced by dismissal of a petition for review in Mason County, Decision 3108-A (PECB, 1989). Similar to the case at hand, the party who filed a timely petition for review with the Commission

in the Mason County case had failed to effect timely service of the document on the opposing party. The omission is compounded in the present case by the failure of Lunde to follow through with filing of an appeal brief with the Commission.

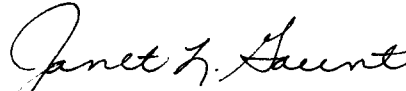
NOW, THEREFORE, it is

ORDERED

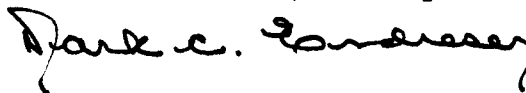
The petition for review filed by Alfred J. Lunde in the above-entitled matter is DISMISSED.

DATED at Olympia, Washington, this 27th day of March, 1990.

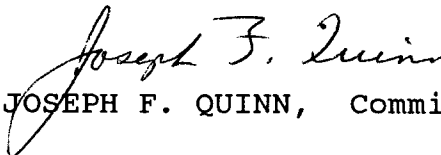
PUBLIC EMPLOYMENT RELATIONS COMMISSION



JANET L. GAUNT, Chairperson



MARK C. ENDRESEN, Commissioner



JOSEPH F. QUINN, Commissioner