

HISTORICAL NOTE

LEAVENWORTH SCHOOL DISTRICT
and
LEAVENWORTH EDUCATION ASSOCIATION

DECISION 533-H (EDUC)

NPER 74.37 UNFAIR PRACTICE REMEDIES--TYPES OF ORDERS--INTERIM
RELIEF

Following is an excerpt from the minutes of the Commission meeting held on August 18, 1978:

"Motion for injunction pendent lite made pursuant to WAC 391-30-560.

"Ms. Judith Lonquist, appearing for the Leavenworth Education Association, presented a brief history of the dispute leading up to the filing of the motion with the Commission. She placed particular stress on the economic impact of these discharges as well as the irreparable harm to the future teaching careers of the discharged teachers.

"Mr. David J. Whitmore, representing the Leavenworth School District, spoke in opposition to the granting of the motion, using as the basis for his argument the fact that the Leavenworth Education Association was presently pursuing remedies in two separate actions: (1) an unfair labor practice complaint is being processed by the Commission, and (2) a hearing has been set under 28A.58.455 and a hearing examiner has been appointed. The school had engaged substitutes and would be fully staffed when school opened.

"The Commission questioned both parties on various points of their arguments and then recessed to reach a decision. At the conclusion of the recess Chairman Krug announced that the arguments for and against the motion had been carefully considered by the Commission and it had been determined that the motion for an injunction pendent lite should be denied. The basis for this decision was two-fold: One, the Leavenworth Education Association was currently pursuing relief in two separate actions, and two, the decision in Samson v. Murray, 415 U.W. 61, 94 S.Ct. 947 (1974). Commissioners Beck and Roberts concurred in the decision."

By: Mary Ellen Krug, Chairman
Michael H. Beck, Commissioner

Paul A. Roberts, Commissioner
August 18, 1978
Case 1520-U-78-204