STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

KENNETH G. SULLIVAN,

Complainant,

CASE NO. 4389-U-82-703

vs.

DECISION NO. 1781 - PECB

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES,

ORDER GRANTING DEFAULT JUDGMENT

Respondent.

On December 14, 1982, Kenneth G. Sullivan (complainant) filed a complaint charging unfair labor practices against Seattle Public Health Hospital alleging that the hospital violated RCW 41.56.140(1) and (2) by a series of actions set forth in a statement of facts attached to the complaint. The matter was docketed as case number 4386-U-82-701. On December 16, 1982, complainant filed the above captioned unfair labor practice complaint alleging that American Federation of Government Employees violated RCW 41.56.150(1) by interfering with complainant's right to be properly represented in the processing of a grievance through a contractual grievance procedure.

The complaints were assigned to Rex L. Lacy, Examiner, and the cases were consolidated for further action. A notice of hearing was issued on May 25, 1983, setting hearing dates for July 19 and 20, 1983, and establishing June 2, 1983, as the date on which answers to the unfair labor practice complaints had to be filed. The union failed to answer in a timely fashion. Complainant filed a motion for summary judgement on June 9, 1983. On June 16, 1983, the union was reminded, in writing, that an answer was not on file and that failure to answer could lead to summary judgement. The union responded by letter filed June 20, 1983 by Stan Standifer, national representative, wherein several reasons for the delay were set forth. In pertinent part, the letter detailed the union's unfamiliarity with Commission procedures and time constraints due to other business the union had to deal with. However, the letter did not specifically answer any of the allegations contained in the complaint.

The two unfair labor practice cases were rescheduled for hearing for August 15, 16, and 17, 1983, and pre-hearing conference was called for August 8, 1983. At the pre-hearing conference, the union appeared but again failed to answer the allegations in the unfair labor practice complaint filed aginst it. At the outset of the hearing on August 15, 1983, the two unfair labor practices were separated for further hearings.

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Based on the above referenced series of events it is now hereby

ORDERED

That American Federation of Government Employees is in default with respect to the allegations contained in case no. 4389-U-82-703 and may not present evidence or testimony designed to contradict the allegations.

The union shall be afforded the opportunity to present affirmative defenses relating to the allegations when this matter comes to hearing on October 25, 1983.

DATED at Olympia, Washington, this 20th day of October, 1983.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

REX L. LACY. Examiner