

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

SEATTLE PROSECUTING ATTORNEYS')	
ASSOCIATION,)	
)	
Complainant,)	CASE 12173-U-95-2874
)	
vs.)	DECISION 5391-A - PECB
)	
CITY OF SEATTLE,)	
)	
Respondent.)	ORDER REGARDING THIRD
)	AMENDED COMPLAINT
)	
_____)	

On January 2, 1997, Seattle Prosecuting Attorneys' Association (complainant) filed a third amended complaint in this matter.

This amendment contains two new factual allegations in paragraphs 14 and 15 of the statement of facts incorporated therewith. Paragraphs 1 through 13 and 16 are, in essence, restatements of allegations contained in the original, and previously amended complaints, which are the subjects of a hearing scheduled for January 7, 1997.

Paragraph 14 alleges that employees previously classified as "assistant supervisors" lost their opportunity to receive annual pay increases as the result of City of Seattle's (respondent) alleged reclassification of such employees. Certain actions of the respondent, in connection with employees formerly classified as

assistant supervisors, previously have been alleged to be unfair labor practices and are part of the matters to be litigated in the hearing scheduled for January 7, 1997. The allegations of paragraph 14 are so closely related to previous allegations that the respondent is deemed to have been provided sufficient notice of the elements of the complaint as to warrant the amendment of the complaint with respect to paragraph 14 and the previous denials by respondent with respect to the assistant supervisors allegations are deemed to apply to the complaint as amended.

The material in paragraph 15 of the third amended complaint alleging further unilateral changes by the employer, which if true and proven would establish a violation of statute, is so unrelated to previous allegations as to preclude a conclusion that such allegations have in effect been previously incorporated in the complaint as heretofore amended. To permit amendment of the complaint with respect to paragraph 15 would inevitably cause the vacating of the hearing now set for January 7, 1997, in order to provide the respondent with time to answer prior to hearing. This result is unacceptable. Therefore, the complaint will not be amended to incorporate the allegations of paragraph 15.

The Executive Director of the Commission, in due course, will issue a preliminary ruling with respect to the matters raised in paragraph 15 and at that time the future disposition of the matters raised in paragraph 15 of the third amended complaint will be determined.

NOW, THEREFORE, it is

ORDERED

1. The original complaint, herein, is amended by paragraphs 1 through 14 and 16 of the third amended complaint.
2. The amendment of the original complaint is not permitted with respect to paragraph 15 of the third amended complaint.

ISSUED at Olympia, Washington, this 2nd day of January, 1997.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



VINCENT M. HELM, Examiner