

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

MICHAEL HOLTE,

Complainant,

vs.

NORTHSHORE UTILITY DISTRICT,

Respondent.

CASE 23788-U-11-6070

DECISION 11267-A - PECB

DECISION OF COMMISSION

The Rosen Law Firm, by *Jon Howard Rosen*, Attorney at Law, for the union.

Davis Grimm Payne & Marra, by *Selena C. Smith*, Attorney at Law, for the employer.

On February 4, 2011, Michael Holte (Holte/complainant) filed an unfair labor practice complaint against the Northshore Utility District (employer) alleging employer discrimination. Holte alleged employer discrimination for terminating him in reprisal for union activities and/or in reprisal for testifying in a prior unfair labor practice case. Examiner Charity Atchison held a hearing and determined that the employer did not commit an unfair labor practice. Holte now appeals that decision.

On appeal, the complainant makes several arguments, none of which we find persuasive. To address those arguments we incorporate the Examiner's applicable legal principles, analysis and conclusions here as we see no reason to restate them. The Examiner made appropriate credibility determinations and did not ignore relevant facts. We agree that Holte did not establish a causal connection between his testimony in an unfair labor practice and the employer laying him off. We agree that Holte did not establish a causal connection between being the union president at the time the union was decertified and being laid off.

Furthermore, although not an issue before us on appeal, it is important to note that we strongly agree with the Examiner's comment on the employer's post-hearing brief, which contained 36 footnotes on 20 of the 24 pages in an effort to thwart the 25 page limitation in WAC 391-45-290(2). In this case, we particularly agree with the Examiner's statement that:

Parties need not waste precious space in their briefs detailing the facts contained in the record that the Examiner reviews prior to issuing her decision. Briefs should focus on legal analysis.

We have reviewed the entire record and fully considered the parties' arguments. The Examiner correctly stated the legal standards. Substantial evidence supports the Examiner's challenged findings of fact, and those findings support the challenged conclusion of law. We affirm the Examiner's decision in its entirety. We find that the employer did not discriminate against Holte in reprisal for protected union activities or for testifying at an unfair labor practice hearing.

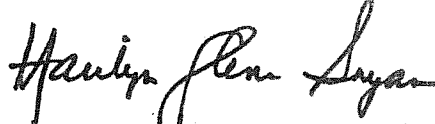
NOW, THEREFORE, it is

ORDERED

The Findings of Fact, Conclusions of Law, and Order of Examiner Charity Atchison are AFFIRMED and ADOPTED as the Findings of Fact, Conclusions of Law, and Order of the Commission.

ISSUED at Olympia, Washington, this 21st day of September, 2012.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARILYN GLENN SAYAN, Chairperson



PAMELA G. BRADBURN, Commissioner



THOMAS W. McLANE, Commissioner



PUBLIC EMPLOYMENT RELATIONS COMMISSION

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PUBLIC EMPLOYMENT RELATIONS
COMMISSION

BY: S. ROBBIE DUFFIELD

CASE NUMBER: 23788-U-11-06070 FILED: 02/04/2011 FILED BY: PARTY 2
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BAR UNIT: ALL EMPLOYEES
DETAILS: see 23875-S-11-0209
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