

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

WASHINGTON FEDERATION OF  
STATE EMPLOYEES,

Complainant,

vs.

UNIVERSITY OF WASHINGTON,

Respondent.

CASE 23900-U-11-6103

DECISION 11309-B - PSRA

DECISION OF COMMISSION

Younglove & Coker, P.L.L.C., by *Edward Earl Younglove III*, Attorney at Law,  
for the union.

Attorney General Robert W. Ferguson, by *Mark K. Yamashita*, Assistant Attorney  
General, for the employer.

On March 30, 2011, the Washington Federation of State Employees (union) filed an unfair labor practice complaint alleging that the University of Washington (employer) discriminated against an employee. On April 11, 2011, the Unfair Labor Practice Manager issued a preliminary ruling finding a cause of action for employer discrimination. Examiner Claire Nickleberry conducted a hearing and issued a decision finding that the employer discriminated against Nicole Kennedy when it disciplined her for attending a meeting between the employer and the union after calling in ill later than required.<sup>1</sup> On March 20, 2012, the employer appealed.

The Commission has reviewed the evidentiary record, the decision, and the parties' briefs. The lack of credibility determinations impedes our ability to rule on appeal. We remand the case to the Examiner with instructions to enter findings as to the credibility of the witnesses, including

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<sup>1</sup> *University of Washington*, Decision 11309-A (PSRA, 2012).

who had authority to issue discipline and who directed the discipline. These findings should include reasons why certain evidence is not credible or relied upon in reaching the determination.

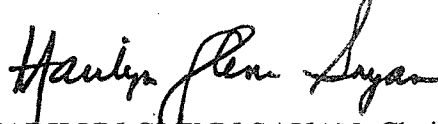
NOW, THEREFORE, it is

ORDERED

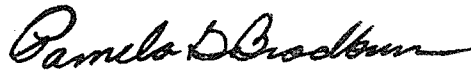
The case is REMANDED to Examiner Claire Nickleberry to enter findings of fact, including credibility determinations, and conclusions of law.

ISSUED at Olympia, Washington, this 16<sup>th</sup> day of April, 2013.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARILYN GLENN SAYAN, Chairperson



PAMELA G. BRADBURN, Commissioner



THOMAS W. McLANE, Commissioner



## PUBLIC EMPLOYMENT RELATIONS COMMISSION

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MIKE SELLARS, EXECUTIVE DIRECTOR

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PUBLIC EMPLOYMENT RELATIONS  
COMMISSION

*[Handwritten Signature]*  
BY/81 ROBBIE DUFFIELD

CASE NUMBER: 23900-U-11-06103 FILED: 03/30/2011 FILED BY: PARTY 2  
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BAR UNIT: ALL EMPLOYEES  
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