

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

KING COUNTY CORRECTIONS GUILD,

Complainant,

vs.

KING COUNTY,

Respondent.

CASE 137840-U-23

DECISION 13920 - PECB

DECISION OF COMMISSION

*Ryan Lufkin*, Attorney at Law, Public Safety Law Group, LLP, for the King County Corrections Guild.

*Donna Bond* and *Kelsey Schirman*, Senior Deputy Prosecuting Attorneys, King County Prosecuting Attorney Leesa Manion, for King County.

STATEMENT OF THE CASE

The issue before the Commission is whether to grant King County's motion for discretionary review. We deny the motion.

On November 6, 2023, the King County Corrections Guild (guild) filed an unfair labor practice complaint against King County (employer) alleging that it had made unilateral changes and refused to bargain. On November 15, 2023, the Unfair Labor Practice Administrator issued a cause of action statement framing the issues for hearing. The case was assigned to Examiner Loyd Willaford. In February 2024, the parties established hearing dates of August 1 and 2, 2024.

On May 29, 2024, King County filed a motion for summary judgment in accordance with WAC 391-08-155. The Examiner denied the motion for summary judgment on July 10, 2024, following the parties' brief submissions. On July 17, 2024, King County filed a timely motion for discretionary review. WAC 391-45-310(1)(a). On July 22, 2024, the guild filed a timely response to the motion. WAC 391-45-310(1)(d).

ANALYSIS

WAC 391-45-310 governs motions for discretionary review. The Commission will accept discretionary review of an Examiner's decision "only" if "the examiner has committed an obvious error that would render further proceedings useless;" if "the examiner has committed probable error and the interlocutory decision substantially alters the status quo or substantially limits the freedom of a party to act; or" if "the examiner has so far departed from the accepted and usual course of administrative proceedings as to call for immediate review by the commission." WAC 391-45-310(1)(b)(i)-(iii).

After reviewing the parties' arguments and the Examiner's ruling, we deny the motion for discretionary review. King County has not established that the Examiner's decision to deny summary judgment and move the matter to a hearing on its merits are obvious errors, probable errors, or a departure from the acceptable and usual course of administrative proceedings.

ORDER

The employer's motion for discretionary review of Examiner Loyd Willaford's July 10, 2024, ruling is DENIED. The case is remanded to the Examiner for further processing.

ISSUED at Olympia, Washington, this 26th day of July, 2024.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARK LYON, Chairperson



MARK BUSTO, Commissioner



ELIZABETH FORD, Commissioner