



STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION

MICHAEL P. SELLARS, EXECUTIVE DIRECTOR

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January 18, 2023

Via Email Only

Thomas V. Vogliano
Office of the Attorney General
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Jacob Metzger
Douglas Drachler McKee & Gilbrough LLP
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Cause of Action Statement

Case 136127-U-23, University of Washington
Research Scientist/Engineers Bargaining Unit

Dear Thomas Vogliano and Jacob Metzger:

When an unfair labor practice complaint is filed, the complaint is reviewed to determine whether it states a cause of action under the statutes the Public Employment Relations Commission (PERC) administers and to determine whether the complaint can move forward for further processing. WAC 391-45-110. All facts alleged in the complaint are assumed to be true and provable. *Id.*

The complaint has been reviewed using the review process. It appears the facts alleged may constitute an unfair labor practice violation and state a cause of action for further case processing.

The allegations of the complaint concern:

Employer refusal to bargain in violation of RCW 41.56.140(4) [and if so, derivative interference in violation of RCW 41.56.140(1)] within six months of the date the complaint was filed, by unilaterally changing the Research Scientist/Engineers' pay structure, without providing the union an opportunity for bargaining.

The person or organization charged with unfair labor practices in this matter (respondent) **shall file and serve its answer to the complaint within 21 days** following the date of this letter. WAC 391-45-110(2)(c).

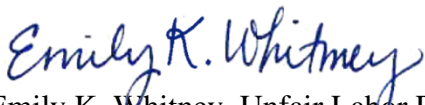
The answer shall be filed with the Commission at its Olympia office. A copy of the answer shall be served on the attorney or principal representative of the person or organization that filed the complaint. Service shall be completed no later than the day of filing. An answer shall:

1. Specifically admit, deny, or explain each fact alleged in the complaint, except if a respondent states it is without knowledge of the fact that statement will operate as a denial; and
2. Assert any affirmative defenses that are claimed to exist in the matter.

Except for good cause shown, a failure to file an answer within the time specified, or the failure to file an answer to specifically deny or explain a fact alleged in the complaint, will be deemed to be an admission that the fact is true as alleged in the complaint and as a waiver of a hearing as to the facts so admitted. WAC 391-45-210.

Cases are reviewed after the answer is filed to evaluate the propriety of a settlement conference under WAC 391-45-260, priority processing, or other special handling. An examiner will be designated to conduct further proceedings in this matter pursuant to chapter 391-45 WAC. Until an examiner is assigned, all correspondence and motions should be directed to the undersigned.

Sincerely,



Emily K. Whitney, Unfair Labor Practice Administrator
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cc: Banks Evans III, bankse@uw.edu
David Parsons, dparsons@uaw.net