

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. UP-58-04

(UNFAIR LABOR PRACTICE)

WESTERN COUNCIL OF INDUSTRIAL)
 WORKERS, UNITED BROTHERHOOD)
 OF CARPENTERS (CITY OF)
 HUNTINGTON EMPLOYEES),)
)
 Petitioners,)
)
 v.)
)
 CITY OF HUNTINGTON,)
)
 Respondent.)
 _____)

DISMISSAL ORDER

Sherry A. Scott, Area Representative, Western Council of Industrial Workers, 12788 S.E. Stark Street, Portland, Oregon 97233-1539, represented Complainant.

Scott Warner, Attorney at Law, Yturri & Rose, 89 S.W. 3rd Avenue, P.O. Box S, Ontario, Oregon 97914, and Diana L. Moffat, Local Government Personnel Institute, 680 State Street, #180, P.O. Box 908, Salem, Oregon 97308, represented Respondent.

The Western Council of Industrial Workers, United Brotherhood of Carpenters (Union), filed this complaint on December 13, 2004. The Union amended its complaint in response to motions from the City of Huntington (City). The amended complaint alleged that the City had laid off a bargaining unit member and replaced her with nonbargaining unit employees; assigned part of the work of a unit member to nonbargaining unit employees; and changed working hours and lunch periods for unit

employees without notice to the Union. The Complainant alleged that this conduct violated ORS 243.672(1)(a) and (c). The hearing was set for September 21 through 23, 2005.

On August 23, 2005, the Administrative Law Judge (ALJ) sent a letter to the Union stating that the Union should advise the ALJ, by August 31, whether it intended to pursue the case. The Union did not respond. On August 31, 2005, this Board found that the Union had disclaimed representation of the unit and issued an Order Revoking Certification. *City of Huntington v. Western Council of Industrial Workers, United Brotherhood of Carpenters*, Case No. UC-29-05, Order Revoking Certification (August 2005). Accordingly, we will dismiss the complaint.

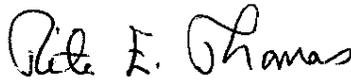
ORDER

The complaint is dismissed.

DATED this 22 day of September 2005.



Paul B. Gamson, Chair



Rita E. Thomas, Board Member



James W. Kasameyer, Board Member

This Order may be appealed pursuant to ORS 183.482.