BEFORE THE PERSONNEL RESOURCES BOARD
STATE OF WASHINGTON

CHARLES MORGAN, Appellant, vs. UNIVERSITY OF WASHINGTON, Respondent.	PRB No. R-DISM-05-001 FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

I. INTRODUCTION

1.1 **Consideration of Stipulation.** This appeal came before the Personnel Resources Board, MARSHA TADANO LONG, Chair; LARRY GOODMAN, Vice Chair; and LAURA ANDERSON, Member, on December 26, 2006, for consideration of a stipulation between Appellant and Respondent.

1.2 **Representation.** Jeffrey W. Davis, Assistant Attorney General, represented Respondent University of Washington. Tyler Firkins, Attorney at Law, represented Appellant Charles Morgan.

II. FINDINGS OF FACT

2.1 Appellant Charles Morgan is a Plumber Lead in the University of Washington (UW) Department of Maintenance and Alterations.

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2.2 Since November 2003, the Washington Federation of State Employees (WFSE) has been the exclusive bargaining representative for Appellant's work unit. Since his work unit elected to establish a union shop, Mr. Morgan notified WFSE that he did not wish to be a member of the union and desired to pay a representation fee instead.

2.3 Appellant chose not to sign a payroll deduction authorization allowing for withdrawal from his UW paychecks of that representation fee, and offered instead to pay the fee by check. WFSE refused payment by check and wrote to Appellant indicating that he had to pay by payroll deduction. Appellant sent a check to WFSE on May 7, 2005, and the check was returned to him uncashed. Appellant sent a copy of this letter and check to the University of Washington Department of Labor Relations.

2.4 WFSE notified the University of Washington that Appellant was not a member in good standing as required by RCW 41.06.150. In reliance on that representation, the University terminated Appellant effective June 30, 2005.

2.5 The University of Washington became aware in the Fall of 2005 that WFSE had changed its position, and was now accepting payment of union dues by personal check rather than by payroll deduction. At that point the University reemployed Appellant into his prior position, effective November 29, 2005.

2.6 Respondent University now stipulates that it was error to terminate Appellant and stipulates to the above-recited Findings of Fact and to entry of a make-whole order.

2.7 Appellant likewise stipulates to these facts and to a make-whole order.

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III. CONCLUSIONS OF LAW

3.1 It is not necessary to order reinstatement of Appellant since Respondent has already returned Appellant to employment in the position he held prior to termination. In order to make Appellant whole, however, Respondent is required by RCW 41.06.220 to restore to Appellant all employee rights and benefits, including back pay, sick leave, vacation accrual, retirement and OASDI credits for the period of July 1 though November 28, 2005.

IV. ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Respondent restore to Appellant all employee rights and benefits, including back pay, sick leave, vacation accrual, retirement and OASDI credits for the period of July 1 though November 28, 2005.

DATED this _____ day of December, 2006.

WASHINGTON STATE PERSONNEL RESOURCES BOARD

_____
Marsha Tadano Long, Chair

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Larry Goodman, Vice Chair

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Laura Anderson, Member

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