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6 **BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**
7 **STATE OF WASHINGTON**

8 WASHINGTON ASSOCIATION OF FISH
9 & WILDLIFE PROFESSIONALS,

10 Complainant,

11 v.

12 STATE OF WASHINGTON,

Respondent.

NO. 22174-U-09-05657

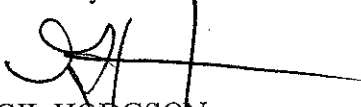
NOTICE OF APPEARANCE

13 TO: CATHLEEN CALLAHAN, Executive Director, PERC;
14 AND TO: RHONDA FENRICH, Counsel for Complainant;

15 PLEASE TAKE NOTICE that the Respondent, STATE OF WASHINGTON, without
16 waiving objection as to the sufficiency of service of process or jurisdiction of this Commission,
17 does hereby enter its appearance in the above-entitled action, by and through its attorneys,
18 ROBERT M. MCKENNA, Attorney General, and GIL HODGSON, Assistant Attorney General,
19 and requests that all further pleadings herein be served upon said Respondent at the Office of the
20 Attorney General at the address given below.

21 DATED this 12th day of January, 2009.

22 ROBERT M. MCKENNA
23 Attorney General

24 
25 GIL HODGSON
26 WSBA No. 34121
Assistant Attorney General

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NO. 22174-U-09-05657

CERTIFICATE OF SERVICE

13 I certify that I served a copy of the Respondent's Notice of Appearance on all parties or
14 their counsel of record on January 13th, 2009 as follows:

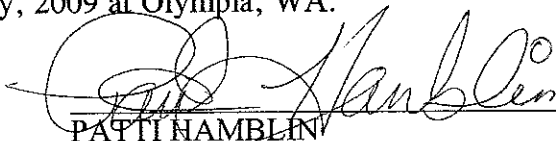
- 15 US Mail Postage Prepaid via Consolidated Mail Service
16 ABC/Legal Messenger
17 State Campus Delivery
18 Hand delivered by:

19 TO:

20 1. Rhonda Fenrich
21 423 Lincoln Street
22 Eugene, OR 97401

23 I certify under penalty of perjury under the laws of the State of Washington that the
24 foregoing is true and correct.

25 Dated this 13th day of January, 2009 at Olympia, WA.

26 
PATTI HAMBLIN



STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION

CATHLEEN CALLAHAN, Executive Director

112 Henry Street NE, Suite 300 • Post Office Box 40919 • Olympia Washington 98504-0919
(360)570-7300 • Fax (360)570-7334 • E-mail filings: filing@perc.wa.gov • Website: www.perc.wa.gov
January 14, 2009

Diane Leigh
Washington State - Fish and Wildlife
PO Box 43113
Olympia, Washington 98504

Rhonda Fenrich
Garrettson Gallagher Fenrich & Makler
423 Lincoln Street
Eugene, Oregon 97401

Re: PRELIMINARY RULING
State - Fish and Wildlife
Case 22174-U-09-5657
Filed January 5, 2009

Dear Parties:

The complaint charging unfair labor practices filed in this matter has been reviewed under WAC 391-45-110. The allegations concern:

Employer interference with employee rights in violation of RCW 41.80.110(1)(a) and refusal to bargain in violation of RCW 41.80.110(1)(e), by breach of its good faith bargaining obligations in proposing and agreeing to wage increases it knew it could not afford, repudiating the agreement for wage increases after October 1, 2008, and failing to include the wage increases in the budget request to the legislature.

Assuming for purposes of this preliminary ruling that all of the facts alleged in the complaint are true and provable, it appears that an unfair labor practice violation could be found.

WAC 391-45-110(2) requires the filing of an answer in response to a preliminary ruling which finds a cause of action to exist. 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.

PLEASE TAKE NOTICE that the person or organization charged with an unfair labor practice in this matter (the "respondent") shall:

File and serve its answer to the complaint within 21 days following the date of this letter.

RECEIVED

JAN 16 2009

GARRETTSON, GALLAGHER
FENRICH & MAKLER, P.C.
EUGENE OFFICE



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.

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.

Very truly yours,

PUBLIC EMPLOYMENT RELATIONS COMMISSION



DAVID I. GEDROSE, Unfair Labor Practice Manager

DIG:jdr

cc: Russell Rogers