

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

OFFICE AND PROFESSIONAL EMPLOYEES	)	
INTERNATIONAL UNION, LOCAL 11,	)	
	)	
Complainant,	)	CASE 14752-U-99-3709
	)	
vs.	)	DECISION 6836 - PECB
	)	
CITY OF LA CENTER,	)	
	)	ORDER OF DISMISSAL
Respondent.	)	
	)	
	)	

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On August 20, 1999, Office and Professional Employees International Union, Local 11 (union) filed a complaint charging unfair labor practices with the Public Employment Relations Commission, alleging that the City of La Center (employer) had violated RCW 41.56.140 (4) by refusing to bargain with the union.

The entire text of the statement of facts submitted with the complaint read as follows: "No bargaining has taken place. The Employer (City of La Center) has failed to show good faith and has refused to bargain with the Union."

The Executive Director issued a deficiency notice in the matter on September 1, 1999, in accordance with the provisions of WAC 391-45-110.<sup>1</sup>

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<sup>1</sup> At that stage of the proceedings, all of the facts alleged in the complaint are assumed to be true and provable. The question at hand is whether, as a matter of law, the complaint states a claim for relief available through unfair labor practice proceedings before the Public Employment Relations Commission.

The notice pointed to the provisions of WAC 391-45-050, which requires, in pertinent part:

Each complaint shall contain, in separate numbered paragraphs: ... (2) Clear and concise statements of the facts constituting the alleged unfair labor practices, including times, dates, places and participants in occurrences.

The union was informed that it was not possible to discern from the statement of facts precisely what actions were taken, when, or by whom. The union was reminded that the Public Employment Relations Commission does not investigate or prosecute unfair labor practice charges in a manner which might be familiar to those who practice before the National Labor Relations Board, and that the Executive Director must act on the basis of the information provided in the complaint as it is filed. Without information as to the specifics of the disputed action or inaction, it would be impossible to determine the existence of a cause of action in the matter.

The union was given a period of 14 days following the date of the deficiency ruling in which to file and serve an amended complaint stating a cause of action, or face dismissal of the complaint. Nothing further has been heard or received from the union.

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices filed in the above-captioned matter is hereby DISMISSED for failure to state a cause of action.

Issued at Olympia, Washington, this 28<sup>TH</sup> day of September, 1999.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in cursive script that reads "Rex L. Lacy". The signature is written in dark ink and is positioned above the printed name.

REX L. LACY, Senior Staff Member

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under WAC 391-45-350.