

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

SEIU, LOCAL 925,)	
)	
Complainant,)	CASE 15481-U-00-3909
)	
vs.)	DECISION 7344 - PECB
)	
UNIVERSITY OF WASHINGTON,)	ORDER OF DISMISSAL
)	
Respondent.)	
)	
)	

The complaint charging unfair labor practices in the above-referenced matter was filed with the Public Employment Relations Commission by SEIU, Local 925 (union) on November 14, 2000. The complaint alleged that the University of Washington (employer) interfered with employee rights in violation of RCW 41.56.140(1), and refused to bargain in violation of RCW 41.56.140(4), by regressive bargaining and insistence on waiver of individual statutory rights concerning a settlement agreement involving the employment of Patricia Tymas.

The complaint was reviewed under WAC 391-45-110.¹ A deficiency notice was issued on February 1, 2001, indicating that it was not possible to conclude that a cause of action existed. The deficiency notice stated that an employer has the right to determine whether to take disciplinary action against an employee. Once an employer has made that decision, the union may challenge the decision under the parties' collective bargaining agreement. The deficiency notice indicated that on August 30, 2000, the employer took disciplinary action by terminating the employment of Patricia

¹ At this 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.

Tymas. However, the complaint concerns actions taken by the employer prior to that date.

The complaint alleges that the employer insisted, in settlement discussions between the employer and union concerning Tymas' employment, that Tymas waive her rights under federal age discrimination and disability statutes. The deficiency notice asserted that as the Commission does not have jurisdiction over federal statutes, there is no cause of action under state collective bargaining laws for allegations of waiver of those statutes.

The deficiency notice advised the union that an amended complaint could be filed and served within 21 days following such notice, and that any materials filed as an amended complaint would be reviewed under WAC 391-45-110 to determine if they stated a cause of action. The deficiency notice further advised the union that in the absence of a timely amendment stating a cause of action, the complaint would be dismissed. Nothing further has been received from the union.

NOW THEREFORE, it is

ORDERED

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

ISSUED at Olympia, Washington, this 27th day of March, 2001.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARK S. DOWNING, Director of Administration

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.