

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

JOHN P. MCTIGUE,	)	
	)	
Complainant,	)	CASE 15301-U-00-3861
	)	
vs.	)	DECISION 7340 - PECB
	)	
SPOKANE TRANSIT AUTHORITY,	)	ORDER OF DISMISSAL
	)	
Respondent.	)	
	)	
	)	

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The complaint charging unfair labor practices in the above-referenced matter was filed with the Public Employment Relations Commission by John P. McTigue (McTigue) on July 14, 2000. McTigue is represented for the purposes of collective bargaining by ATU, Local 1015 (union). The complaint alleged that Spokane Transit Authority (employer) interfered with employee rights and discriminated in violation of RCW 41.56.140(1), dominated or assisted the union in violation of RCW 41.56.140(2), and committed unspecified other unfair labor practices, by its discipline of union members and involvement in internal union affairs.

The complaint was reviewed under WAC 391-45-110.<sup>1</sup> A deficiency notice was issued on November 13, 2000, indicating that the Commission has adopted the following rule concerning the filing of an unfair labor practice complaint:

**WAC 391-45-050 Contents of complaint charging unfair labor practices.** 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.

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<sup>1</sup> 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.

The complaint does not contain any information concerning the "times, dates, places and participants" of the events involved with the complaint.

The deficiency notice stated that the complaint does not contain any facts suggesting that the employer has involved itself in the internal affairs or finances of the union, or that the employer has attempted to create, fund, or control a "company union". See, *City of Anacortes*, Decision 6863 (PECB, 1999).

The deficiency notice advised McTigue 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 McTigue that in the absence of a timely amendment stating a cause of action, the complaint would be dismissed. Nothing further has been received from McTigue.

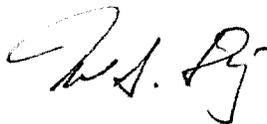
NOW THEREFORE, it is

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.