

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

CITY OF RENTON,	)	
	)	
Employer.	)	
-----	)	
STEVEN E. MILLER,	)	
	)	
Complainant,	)	CASE 16258-U-02-4159
	)	
vs.	)	DECISION 7730 - PECB
	)	
WASHINGTON STATE COUNCIL OF COUNTY	)	
AND CITY EMPLOYEES,	)	ORDER OF DISMISSAL
	)	
Respondent.	)	
_____	)	

The complaint charging unfair labor practices in the above-referenced matter was filed with the Public Employment Relations Commission by Steven E. Miller (Miller) on February 26, 2002. Miller is employed by the City of Renton and his position is represented for the purposes of collective bargaining by WSCCCE (union). The complaint alleged that the union interfered with employee rights in violation of RCW 41.56.150(1), by failing to recognize the right of Miller to pay agency fees only related to collective bargaining, contract administration, and grievance adjustment expenses of the union, under decisions of the U.S. Supreme Court.

The complaint was reviewed under WAC 391-45-110.<sup>1</sup> A deficiency notice was issued on April 1, 2002, indicating that it was not

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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.

possible to conclude that a cause of action existed at that time. The deficiency notice stated that the Commission does not have jurisdiction over challenges to a labor organization's use of dues and/or agency fees based on non-religious grounds. *Local 2916, IAFF v. PERC*, 128 Wn.2d 375 (1995). Claims concerning an employee's constitutional rights under *Aboud v. Detroit Board of Education*, 431 U.S. 209 (1977), and/or *Chicago Teachers Union v. Hudson*, 475 U.S. 292 (1986) must be pursued before a court.

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

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 28<sup>th</sup> day of May, 2002.

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.