

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

WASHINGTON STATE - CORRECTIONS,)	
)	
Employer.)	
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ROBERT STAMEY,)	CASE 17531-U-03-4535
)	
Complainant,)	DECISION 8450 - PSRA
)	
vs.)	
)	
TEAMSTERS UNION, LOCAL 117,)	
)	ORDER OF DISMISSAL
Respondent.)	
)	

On May 16, 2003, Robert Stamey (Stamey) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming Teamsters Union, Local 117 (Local 117) as respondent. Stamey is employed by the Washington State Department of Corrections (DOC/employer). The complaint was reviewed under WAC 391-45-110,¹ and a deficiency notice, issued on January 5, 2004, indicated that it was not possible to conclude that a cause of action existed at that time. Stamey was given a period of 21 days in which to file and serve an amended complaint, or face dismissal of the case.

No further information has been filed by Stamey. The Unfair Labor Practice Manager dismisses the complaint for failure to state a cause of action.

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.

DISCUSSION

The allegations of the complaint concern union interference with employee rights in violation of RCW 41.56.150(1), inducement of employer to commit an unfair labor practice in violation of RCW 41.56.150(2), and other unspecified unfair labor practices, by Local 117 holding itself out and collecting dues as the certified exclusive bargaining representative.

Several defects are noted with the complaint. One, unlike the Washington State Department of Personnel or the National Labor Relations Board, the Commission does not investigate facts which are alleged in a complaint to determine if any collective bargaining statute has been violated. The complainant is responsible for presentation of evidence supporting its complaint at a hearing before an examiner. See WAC 391-45-270.

Two, the Commission has adopted the following rule concerning the filing of an unfair labor practice complaint:

WAC 391-45-050 CONTENTS OF COMPLAINT. Each complaint charging unfair labor practices shall contain, in separate numbered paragraphs:

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- (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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The complaint does not conform to the requirements of WAC 391-45-050.

Three, the statement of facts attached to the complaint alleges that Teamsters Union, Local 313 (Local 313) "transferred representational duties" to Local 117 in February 2002. Unions are

entitled to select their own representatives for bargaining and contract administration, without influence or interference by an employer or any other party. See *State - Corrections*, Decision 7870 (PSRA, 2002). As the exclusive bargaining representative, Local 313 was entitled to appoint Local 117 to act as its agent in representing employees.

Four, as the complaint fails to state a cause of action against the employer under RCW 41.56.140, there are insufficient factual allegations to support a cause of action that the union induced the employer to commit an unfair labor practice in violation of RCW 41.56.150(2). Five, in relation to the allegations of other unfair labor practices, the complaint fails to explain and specify what "other" statute has been violated by Local 117's actions.

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 1st day of March, 2004.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARK S. DOWNING, Unfair Labor Practice Manager

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.