

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

DAVID N. ROBERTS,)	
)	
Complainant,)	CASE 17597-U-03-4551
)	
vs.)	DECISION 8452 - PSRA
)	
WASHINGTON STATE - LABOR AND)	
INDUSTRIES,)	
)	
Respondent.)	ORDER OF DISMISSAL
)	

On June 13, 2003, David N. Roberts (Roberts) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming the Washington State Department of Labor and Industries (employer) as respondent. The complaint was reviewed under WAC 391-45-110,¹ and a deficiency notice issued on January 12, 2004, indicated that it was not possible to conclude that a cause of action existed at that time. Roberts 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 Roberts. The Unfair Labor Practice Manager dismisses the complaint for failure to state a cause of action.

DISCUSSION

The allegations of the complaint concern employer interference with employee rights in violation of RCW 41.56.140(1), and discrimina-

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.

tion for filing an unfair labor practice charge in violation of RCW 41.56.140(3), by refusing to grant David Roberts release time during working hours to research, plan and prepare for a previously-filed unfair labor practice complaint.

The complaint is defective. Employees do not have a statutory right to use a public employer's facilities for private purposes. A public employer is not required to provide employees with use of public property, including release time during working hours, for protected union activities. See *City of Seattle*, Decision 1355 (PECB, 1982); *King County*, Decision 6734 (PECB, 1999), *aff'd*, Decision 6734-A (PECB, 2000); *King County*, Decision 7506-A (PECB, 2003); and *State - Labor and Industries*, Decision 8261 (PSRA, 2003).

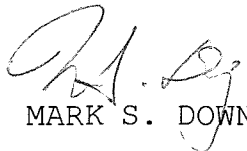
NOW, THEREFORE, it is

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.