

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

|                             |   |                      |
|-----------------------------|---|----------------------|
| TEAMSTERS UNION, LOCAL 174, | ) |                      |
|                             | ) |                      |
| Complainant,                | ) | CASE 18078-U-03-4640 |
|                             | ) |                      |
| vs.                         | ) | DECISION 8492 - PECB |
|                             | ) |                      |
| KING COUNTY,                | ) |                      |
|                             | ) |                      |
| Respondent.                 | ) | ORDER OF DISMISSAL   |
|                             | ) |                      |
|                             | ) |                      |

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On December 12, 2003, Teamsters Union, Local 174 (union), filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming King County (employer) as respondent. The allegations of the complaint concern employer refusal to bargain in violation of RCW 41.56.140(4) (and if so, derivative "interference" in violation of RCW 41.56.140(1)), by breach of its good faith bargaining obligations in failing to negotiate the impacts and effects on employees of installing a GPS system in solid waste division trucks.

The complaint was reviewed under WAC 391-45-110,<sup>1</sup> and a deficiency notice issued on February 18, 2004, indicated that it was not possible to conclude that a cause of action existed at that time.

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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 union 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 the union. The Unfair Labor Practice Manager dismisses the complaint for failure to state a cause of action.

### DISCUSSION

The complaint contained several defects. One, 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:

. . . .  
(2) Clear and concise statements of the facts constituting the alleged unfair labor practices, including times, dates, places and participants in occurrences.

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

Two, the complaint alleges that the employer's conduct "is contrary to the Bargaining agreement . . . ." The Public Employment Relations Commission does not assert jurisdiction to remedy violations of collective bargaining agreements through the unfair labor practice provisions of the statute. *City of Walla Walla*, Decision 104 (PECB, 1976). The Commission acts to interpret collective bargaining statutes and does not act in the role of arbitrator to interpret collective bargaining agreements. See *Clallam County*, Decision 607-A (PECB, 1979); *City of Seattle*,

Decision 3470-A (PECB, 1990); *Bremerton School District*, Decision 5722-A (PECB, 1997).

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 5<sup>th</sup> day of April, 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.