

King Housing Authority (Office and Professional Employees International Union, Local 8), Decision 9573 (PECB, 2007)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

KING HOUSING AUTHORITY,)	
)	
Employer.)	
-----)	
TARA FINKE,)	
)	
Complainant,)	CASE 20810-U-06-5302
)	
vs.)	DECISION 9573 - PECB
)	
OFFICE AND PROFESSIONAL EMPLOYEES)	
INTERNATIONAL UNION, LOCAL 8,)	
)	
Respondent.)	ORDER OF DISMISSAL
_____)	

On December 12, 2006, Tara Finke (Finke) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming the Office and Professional Employees International Union, Local 8 (union) as respondent. Finke is employed by the King County Housing Authority (employer). The complaint was reviewed under WAC 391-45-110,¹ and a deficiency notice issued on December 26, 2006, indicated that it was not possible to conclude that a cause of action existed at that

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.

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

DISCUSSION

The allegations of the complaint concern union interference with employee rights in violation of RCW 41.56.150(1), by failing to provide employees with a fair voting process for a tentative agreement reached in collective bargaining negotiations between the employer and union.

The complaint has several defects. One, the process used by a union to decide procedures for voting at union meetings, is purely of a union's own creation. Such process is part of a union's internal affairs and is often controlled by a union's constitution and/or bylaws. The constitution and bylaws of a union are the contracts among the members of a union for how the organization is to be operated. Disputes concerning alleged violations of the constitution and bylaws of a union must be resolved through internal procedures of the union or the courts. *Enumclaw School District*, Decision 5979 (PECB, 1997).

Two, RCW 41.56.150(1) prohibits union interference with employee rights, and threats of reprisal or force or promises of benefit associated with the union activity of employees made by union

officials, are unlawful. However, the alleged facts are insufficient to conclude that the union made any threats of reprisal or force or promises of benefit, in violation of RCW 41.56.150(1).

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 29th day of January, 2007.

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.