

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

COMMUNICATIONS WORKERS OF AMERICA,	)	
LOCAL 7803,	)	
	)	
Complainant,	)	CASE 22094-U-08-5630
	)	
vs.	)	DECISION 10264 -- PECB
	)	
KING COUNTY WATER DISTRICT 90,	)	
	)	ORDER OF DISMISSAL
Respondent.	)	
_____	)	

On November 6, 2008, Communications Workers of America, Local 7803 (union) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming King County Water District 90 (employer) as respondent. The complaint was reviewed under WAC 391-45-110,<sup>1</sup> and a deficiency notice issued on November 18, 2008, indicated that it was not possible to conclude that a cause of action existed at that time. The union was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case.

The union has not filed any further information. 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 refusal to bargain in violation of RCW 41.56.140(4). by its refusal to provide relevant information requested by the union concerning a grievance; and "other" unspecified violations.

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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 deficiency notice pointed out the defects to the complaint. One, Chapter 391-45 WAC governs the filing and processing of unfair labor practice complaints. Complaints must conform to WAC 391-45-050.

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 is accompanied by a brief memorandum that only partially meets the requirements of WAC 391-45-050. The information given is not sufficient to conclude that a cause of action exists.

Second, the box on the complaint form is checked for "other unfair labor practice." However, the complaint fails to identify the "other" violations.

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in Case 22094-U-08-5630 is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 31<sup>st</sup> day of December, 2008.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



DAVID I. GEDROSE, 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.