

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

MATTHEW MYHRE,)	
)	
Complainant,)	CASE 16070-U-01-4100
)	
vs.)	DECISION 7605 - PECB
)	
WASHINGTON FEDERATION OF)	
STATE EMPLOYEES,)	ORDER OF DISMISSAL
)	
Respondent.)	
)	
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MATTHEW MYHRE,)	
)	
Complainant,)	CASE 16072-U-01-4101
)	
vs.)	DECISION 7606 - PECB
)	
STATE OF WASHINGTON,)	ORDER OF DISMISSAL
)	
Respondent.)	
)	
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On October 23, 2001, Matthew Myhre (Myhre) filed a complaint charging unfair labor practices with the Public Employment Relations Commission. The complaint involved allegations against Myhre's employer, the State of Washington - Department of Transportation (employer), and allegations against the union representing Myhre for the purposes of collective bargaining, the Washington Federation of State Employees (union). Allegations of the

complaint against the union were docketed by the Commission as Case 16070-U-01-4100, while allegations against the employer were docketed as Case 16072-U-01-4101.

The complaint in Case 16070-U-01-4100 alleged that the union interfered with employee rights in violation of RCW 41.56.150(1), by refusing to represent Myhre in a grievance concerning his dismissal and denying Myhre's rights under Chapter 41.56 RCW, the Public Employees' Collective Bargaining Act. The complaint in Case 16072-U-01-4101 alleged that the employer interfered with employee rights in violation of RCW 41.56.140(1), and dominated or assisted the union in violation of RCW 41.56.140(2), by failing to include a grievance procedure for probationary employees in its collective bargaining agreement with the union, and by terminating Myhre for exercising his collective bargaining rights.

The complaints were reviewed under WAC 391-45-110.¹ A deficiency notice was issued on December 17, 2001, indicating that it was not possible to conclude that a cause of action existed at that time. The deficiency notice stated that the Public Employment Relations Commission does not have jurisdiction over employees of the Washington State Department of Transportation.

The deficiency notice advised Myhre that amended complaints could be filed and served within 21 days following such notice, and that any materials filed as an amended complaint would be reviewed under

¹ At this stage of the proceedings, all of the facts alleged in the complaints are assumed to be true and provable. The question at hand is whether, as a matter of law, the complaints state a claim for relief available through unfair labor practice proceedings before the Public Employment Relations Commission.

WAC 391-45-110 to determine if they stated a cause of action. The deficiency notice further advised Myhre that in the absence of a timely amendment stating a cause of action, the complaints would be dismissed. Nothing further has been received from Myhre.

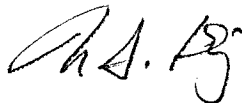
NOW, THEREFORE, it is

ORDERED

The complaints charging unfair labor practices in the above captioned matters are DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 17th day of January, 2002.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARK S. DOWNING, Director of Administration

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.