

King County Public Hospital District 2 (Evergreen) (SEIU, Local 6),  
Decision (PECB, 2005)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

KING COUNTY PUBLIC HOSPITAL	)	
DISTRICT 2 (EVERGREEN),	)	
	)	
Employer.	)	
-----	)	
ANDREA SHEAHAN,	)	CASE 18876-U-04-4797
	)	
Complainant,	)	
	)	DECISION 9112-A - PECB
vs.	)	
	)	CORRECTED
SEIU, LOCAL 6,	)	ORDER OF DISMISSAL
	)	
Respondent.	)	
	)	
	)	

On October 5, 2004, Andrea Sheahan (Sheahan) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming SEIU, Local 6 (union) as respondent. Sheahan is employed by King County Public Hospital District 2 (Evergreen/employer). The complaint was reviewed under WAC 391-45-110,<sup>1</sup> and a deficiency notice issued on October 7, 2004, indicated that it was not possible to conclude that a cause of action existed at that time. Sheahan was given a period of 21 days in which to file and serve an amended complaint, or face dismissal of the case.

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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.

On October 26, 2004, Sheahan filed an amended complaint. The Executive Director 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), through an e-mail sent by shop steward Nancy Jenkins to Andrea Sheahan.

The deficiency notice stated that RCW 41.56.150(1) prohibits union interference with employee rights, and well-established state and federal precedents treat threats of reprisal or force made by union officials to employees as unlawful. In this case, however, the only sentence in the challenged e-mail that even remotely suggests any threat reads as follows: "If we are unable to get our raises come November those of us who are not spreading things that are untrue and confusing *will have you and the other five people on the list.*" The quoted language is ambiguous, at best. Being placed on somebody's "we won't like you anymore list" falls far short of being placed on a list for reprisal or force. The alleged facts are insufficient to conclude that an unfair labor practice violation could be found.

The amended complaint included a letter from Rosanne Hansen claiming that she was offended by a flyer prepared by Jenkins. However, Hansen's letter indicates that Jenkins stated that she had made the flyer, and not the union. The alleged facts continue to be insufficient to conclude that an unfair labor practice violation could be found. The amended complaint failed to cure the defects indicated in the deficiency notice.

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 19<sup>th</sup> day of September, 2005.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in cursive script, appearing to read "Marvin L. Schurke".

MARVIN L. SCHURKE, Executive Director

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.