

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

SERVICE EMPLOYEES INTERNATIONAL)	
UNION, LOCAL 6,)	
)	CASE 10140-U-92-2320
Complainant,)	
)	
vs.)	DECISION 4303 - PECB
)	
CITY OF EDMONDS,)	
)	ORDER OF DISMISSAL
Respondent.)	
)	
)	

On November 30, 1992, Service Employees International Union, Local 6, filed a complaint charging unfair labor practices with the Public Employment Relations Commission, alleging that the City of Edmonds interfered with, restrained or coerced employees in the exercise of their rights under the Public Employees' Collective Bargaining Act, Chapter 41.56 RCW.¹

A preliminary ruling letter, issued pursuant to WAC 391-45-110 on December 9, 1992, notified the parties that the complaint failed to state a cause of action as filed.² The conversation at issue in the complaint was between a member of the Edmonds City Council and a supervisory employee. The union alleges that the councilmember's statement that a position would be eliminated in order to save

¹ RCW 41.56.140(1) makes it an unfair labor practice for an employer to interfere with, restrain or coerce employees in the exercise of their rights under the statute.

² At that stage of the proceedings, all of the facts alleged in the complaint are assumed to be true and provable. The question before the Executive Director under WAC 391-45-110 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.

money had "a chilling effect on negotiations" between the employer and union, and that it was inappropriate for the employer to place a bargaining unit member in a position of fearing loss of employment. While it may have been unfortunate that the employer official discussed the elimination of a position within the hearing of a bargaining unit member, the preliminary ruling letter noted that there was no allegation that the statement was a threat against the employee. Further, there was no indication that the employer engaged in circumvention of the exclusive bargaining representative by making such a statement. The complainant was given a period of 14 days following the date of the preliminary ruling letter in which to file and serve an amended complaint stating a cause of action, or face dismissal of the complaint. Nothing further has been received from the complainant.

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices filed in the above-captioned matter is hereby DISMISSED.

DATED at Olympia, Washington, this 11th day of February, 1993.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

This order may be appealed by filing a petition for review with the Commission pursuant to WAC 391-45-350.