

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

DONALD J. WAKENIGHT,)	
)	CASE NO. 3935-U-82-610
Complainant,)	
)	DECISION NO. 1355 - PECB
vs.)	
)	
CITY OF SEATTLE,)	ORDER OF DISMISSAL
)	
Respondent.)	

The complaint charging unfair labor practices was filed in the above entitled matter on January 22, 1982. It alleges that the employer interfered with the rights of the complainant, in violation of RCW 41.56.140(1) and/or (3) by giving the complainant notice that he was not to use City stationary, typewriters or copy machines in processing of labor relations matters. The complainant in this matter was complainant in two other matters pending before the Public Employment Relations Commission: Case Numbers 3458-U-81-499 and 3581-U-81-535, on which a separate decision issued January 22, 1982. (Decision Nos. 1289-A and 1290-A). A copy of the correspondence complained of in this case, wherein the employer instructed the complainant to refrain from use of the employer's property, was filed with the Commission in connection with the processing of the other matters. The allegations are before the Executive Director for a preliminary ruling pursuant to WAC 391-45-110. Assuming all of the facts alleged to be true and provable, it is nevertheless concluded that there is no violation of employee rights subject to a remedy through the unfair labor practice provisions of RCW 41.56.

Pointedly, Article VII, Section 7 of the Washington State Constitution provides:

No county, city, town or other municipal corporation shall hereafter give any money, or property, or loan its money, or credit to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company or corporation. (emphasis supplied).

Unfair labor practice proceedings involve a mix of private rights and public policy, but no provision of RCW 41.56 or of Chapter 391-45 WAC entitles individuals or private associations to make use of public property for the initial processing of unfair labor practice allegations. Even if the city

has permitted misuse of its property and facilities in the past, any "discrimination" finding based thereon could not be remedied by an order compelling the city to permit an unconstitutional loan of its stationary, typewriters and copy machines to the complainant.

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices filed in the above entitled matter is dismissed.

DATED at Olympia, Washington, this 25th day of January, 1982.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director