

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

PORT OF PASCO,)	
)	
Complainant,)	CASE NO. 7763-U-89-1643
)	
vs.)	DECISION 3134 - PECB
)	
INTERNATIONAL ASSOCIATION OF)	
FIREFIGHTERS, LOCAL 3173,)	
)	ORDER OF DISMISSAL
Respondent.)	
)	
)	

On January 12, 1989, the Port of Pasco (employer) filed a complaint charging unfair labor practices with the Public Employment Relations Commission, alleging that the International Association of Firefighters, Local 3173 (union) had violated RCW 41.56.150(4) by a variety of actions, including making erroneous statements concerning the duties of employees, making derogatory statements about the employer to news media, attempting to usurp the authority of the employer, filing spurious unfair labor practice charges, seeking to prevent the employer from making wage offers to its employees, and refusing to bargain in good faith.

The complaint was reviewed by the Executive Director for the purpose of making a preliminary ruling pursuant to WAC 391-45-110, and a letter was issued on January 27, 1989, informing the employer that the complaint, as filed, did not appear to state a cause of action for unfair labor practice proceedings before the Commission. Specifically, the employer was informed that the refusal to bargain allegation was deficient, in that no relationship exists between the employer and union which gives

rise to a bargaining obligation; that any criticism of the employer in the press, as long as made without threat of reprisal or force or promise of benefit to employees, is a free speech activity not actionable in an unfair labor practice proceedings; that "mischaracterization" of the duties of employees is not actionable in an unfair labor practice proceeding; and that no basis currently exists to find that the union has filed frivolous charges or otherwise engaged in abuse of the Commission's processes.

The complainant was given fourteen days in which to file an amended complaint which stated a cause of action. No amended complaint has been filed.

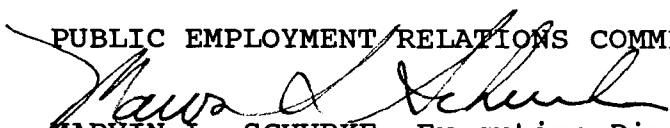
NOW, THEREFORE, it is

ORDERED

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

DATED at Olympia, Washington, this 27th day of February, 1989.

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.