

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

DARWIN L. MYERS,)	
)	
Complainant,)	CASE 8310-U-89-1804
)	
vs.)	
)	DECISION 3423 - PECB
CITY OF MILTON,)	
)	
Respondent.)	ORDER OF DISMISSAL

On December 4, 1989, Darwin L. Myers filed a complaint charging unfair labor practices with the Public Employment Relations Commission, alleging that the City of Milton had violated the provisions of Chapter 41.56 RCW by its refusal to pay certain wages which the complainant believed were owed to him.

The matter was reviewed by the Executive Director pursuant to WAC 391-45-110, and a letter was issued on January 22, 1990, informing the complainant that the complaint, as filed, did not appear to state a cause of action for unfair labor practice proceedings before the Commission. Specifically, it was pointed out that there was no indication that the employer's refusal to pay the wage claim was in retaliation for the complainant's exercise of his statutory right to organize or be represented. The complainant was also informed of the provisions of RCW 41.56.160, which provide that an unfair labor practice complaint will not be processed if the events complained of occurred more than six months prior to the filing of the complaint with the Commission, and was advised that at least a portion of the wage claim related to a period outside of the statutory six month period. Finally, the complainant was referred

to the grievance procedure of the collective bargaining agreement covering his employment. The complainant was given a period of fourteen days following the date of his letter within which to file an amended complaint which stated a cause of action.

No additional information or amended complaint has been received from the complainant.

ORDER

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

DATED at Olympia, Washington, this 16th day of February, 1990.

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.