

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

CITY OF SEATTLE,	)	
	)	
Employer.	)	CASE 8581-U-90-1861
-----	)	
SHIRLEY WOO,	)	
	)	DECISION 3688 - PECB
Complainant,	)	
	)	
vs.	)	
	)	
GRAPHIC COMMUNICATIONS	)	
INTERNATIONAL UNION, LOCAL 767-M,	)	
	)	
Respondent.	)	ORDER OF DISMISSAL
	)	
_____	)	

On May 8, 1990, Shirley Woo (complainant) filed a complaint charging unfair labor practices with the Public Employment Relations Commission, alleging that Graphic Communications International Union, Local 767-M, had committed several unfair labor practices in connection with an attempt to decertify the union as exclusive bargaining representative of certain employees of the City of Seattle.

The complaint was reviewed pursuant to WAC 391-45-110, and a letter was directed to the complainant on December 10, 1990, informing her that the complaint, as filed, did not appear to state a cause of action. The complainant was given a period of 14 days in which to file and serve an amended complaint which stated a cause of action, or face dismissal of the complaint. Nothing further has been received from the complainant.

The complaint had alleged that a union business agent "threatened" bargaining unit employees concerning the likely result of a vote to decertify, by telling employees about the possible loss of a wage

increase, retroactive pay, a job reclassification, and pay for work out of classification, all of which were then being negotiated between the employer and the union. The preliminary ruling letter noted that, based upon the information provided in the complaint, it appeared that the business agent was factually correct in his statements at least with respect to the loss of retroactive pay in the event of a vote to decertify. RCW 41.56.950; West Valley School District, Decision 2913-B (PECB, 1988). With respect to the statement concerning the possible loss of other negotiated wages or benefits, it was observed that the business agent could well have been within his rights in making those remarks, if he was warning that concessions previously won or currently being negotiated through the collective bargaining process could be in jeopardy if the employees voted to decertify. The facts alleged were thus deemed to be insufficient to base a conclusion that a cause of action existed against the union.

The complaint also alleged that the union business agent told employees that they had given up their right to vote on "current contract issues". The preliminary ruling letter also pointed out the ambiguity of that statement, noting that the business agent could properly have been informing employees that bargaining would cease as the result of the decertification petition. Yelm School District, Decision 704-A (PECB, 1980). Even if the business agent was threatening employees with exclusion from the political rights of union membership because of the petition, such an action could have been a lawful exercise of the right of the union to control its own internal affairs. Lewis County, Decision 464-A (PECB, 1978). The facts alleged were thus deemed to be insufficient to base a conclusion that a cause of action existed against the union.

The complaint also alleged that a management official had expressed an opinion that the union would seek the discharge of employees active in the decertification process in the event the union were to prevail in the election. In the absence of any allegation that

such a threat had been made by any union official, however, the complaint against the union failed to state a cause of action on this allegation.

In the absence of an amended complaint, the complaint must be dismissed on the bases outlined in the preliminary ruling letter.

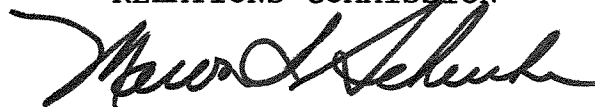
NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices filed in the above-captioned matter is DISMISSED for failure to state a cause of action.

DATED at Olympia, Washington, this 17th day of January, 1991.

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.