

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

DIANA FURTADO,)	
)	
Complainant,)	CASE 8962-U-90-1976
)	
vs.)	DECISION 3862 - PECB
)	
CITY OF SEATTLE,)	
)	
Respondent.)	
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DIANA FURTADO,)	
)	
Complainant,)	CASE 9128-U-91-2016
)	
vs.)	DECISION 3863 - PECB
)	
INTERNATIONAL FEDERATION OF)	
PROFESSIONAL AND TECHNICAL)	
ENGINEERS, LOCAL 17,)	
)	
Respondent.)	ORDER OF DISMISSAL
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On December 31, 1990, Diana Furtado (complainant) filed a complaint charging unfair labor practices with the Public Employment Relations Commission, alleging that the City of Seattle had committed unfair labor practices against her in violation of Chapter 41.56 RCW. (Case 8962-U-90-1976). On February 15, 1991, the complainant filed an amended complaint. On the basis of that amended complaint, a second case was docketed, naming the International Federation of Professional and Technical Engineers, Local 17, as respondent. (Case 9128-U-91-2016). On at least 17 subsequent occasions, the complainant filed additional letters and documents with the Commission and with other public agencies and individuals.

The complaint against the employer alleged, generally, that the employer refused to classify and pay the complainant in accordance with what she believed was correct for her duties in the records and microfilm section of the Seattle Fire Department. The complainant traced her problem to the employer's assignment of an improper identification number to her position when she was first hired into the position in 1983. The complaint against the union alleged, generally, that the union had been negligent or inefficient in its efforts to process the complainant's claims, and that the union had failed or refused to pursue the complainant's valid grievances to arbitration.

The matters were considered by the Executive Director for purposes of making a preliminary ruling pursuant to WAC 391-45-110. A letter directed to the complaint on August 20, 1991, noted that RCW 41.56.160 limits the processing of unfair labor practice complaints to those involving conduct which has occurred no more than six months prior to the filing of the complaint. The complainant was therefore advised that conduct detailed in the complaints which had occurred on or before June 30, 1990 could not be considered. The preliminary ruling letter also reviewed the scope of the Commission's jurisdiction over various types of complaints, and noted that nothing in the collective bargaining statute specifies the rates of pay or the personnel procedures to be applied to public employees. The complainant was advised that her right to the identification number which she claimed, and her right to the classification and pay which she claimed, arise from the employer's personnel system and/or the collective bargaining agreement, and that the Commission lacks jurisdiction to remedy violations of either contracts or personnel procedures. The complainant was further informed that her allegations against the union might be of the type which she could pursue in the courts, but were precisely the type of situation for which no relief was available through the Commission. Mukilteo School District (Public School Employees of Washington), Decision 1381 (PECB, 1982). The complainant was given

a period of 14 days following the date of the preliminary ruling letter in which to file and serve amended complaints stating causes of action, or face dismissal of the complaints.

The complainant has not filed an amended complaint or any other materials with the Commission since the issuance of the preliminary ruling letter.

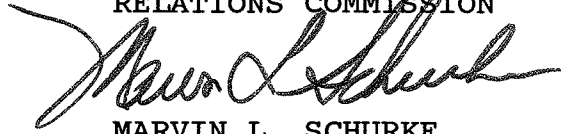
NOW, THEREFORE, it is

ORDERED

The complaints charging unfair labor practices filed in the above-entitled matters are DISMISSED for failure to state a cause of action.

Dated at Olympia, Washington, the 6th day of September, 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.