

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

CITY OF SEATTLE,	)	
	)	
Employer.	)	
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	)	
DAVID CORDARO,	)	
	)	CASE 11200-U-94-2610
Complainant,	)	
	)	
vs.	)	DECISION 5025 - PECB
	)	
CARPENTERS UNION, LOCAL 131,	)	
	)	
Respondent.	)	ORDER OF DISMISSAL
	)	
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On June 22, 1994, David Cordaro filed a complaint charging unfair labor practices with the Public Employment Relations Commission, alleging Carpenters Union, Local 131 (union) had interfered with employee rights under the Public Employees' Collective Bargaining Act, Chapter 41.56 RCW, in connection with its enforcement of union security obligations. Specifically, the complaint alleges that the union requested the City of Seattle discharge a number of building inspectors for non-payment of union dues, while failing to provide the affected employees with the union's bylaws and financial statements for the prior seven years.

In a preliminary ruling letter dated November 22, 1994, Cordaro was notified the complaint failed to state a cause of action as filed.<sup>1</sup>

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<sup>1</sup> At this stage of the proceedings, all of the facts alleged in the complaint are assumed to be true and provable. The question at hand is whether, as a matter of law, the complaint states a claim for relief available through unfair labor practice proceedings before the Public Employment Relations Commission.

He was given 14 days to file an amended complaint that would state a cause of action. Nothing further was received from Cordaro.

An individual employee has legal "standing" to file a complaint charging unfair labor practices on his or her own behalf, but lacks the ability to file charges to enforce the rights of other employees. C-TRAN, Decision 4005 (PECB, 1992). To the extent this complaint attempts to assert the rights of employees other than Cordaro himself, it fails to state a cause of action and must be dismissed. Moreover, the complaint does not allege that Cordaro was one of the employees whose discharge was requested. Thus, it fails to establish even the complainant's standing.

The Commission has held that it is not an unfair labor practice for a union to fail to provide an employee with a copy of its constitution and bylaws.<sup>2</sup> The allegation fails to state a cause of action and must be dismissed.

Union security arrangements can be lawful under RCW 41.56.122 and Abood v. Detroit Board of Education, 431 U.S. 209 (1977). It is inferred that the request for the union's financial statements was made to lay a foundation for a claim that either the union security clause or its enforcement is constitutionally defective under Chicago Teacher's Union v. Hudson, 475 U.S. 209 (1985), and its progeny. The Commission enforces the statutory prohibition against "discrimination" which either encourage or discourage union membership, and so has found unfair labor practice violations where an employer and/or union: (1) Enforce an unlawful union security clause; or (2) enforce an otherwise lawful union security obligation in an unlawful manner.<sup>3</sup> However, no authority is cited, nor is any found, which requires a union to provide its financial

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<sup>2</sup> City of Pasco, Decision 2656 (PECB, 1987).

<sup>3</sup> See, RCW 41.56.150(2) and Snohomish County, Decision 3705 (PECB, 1991).

statements for any particular number of past years beyond the most recent year. The allegation with regard to the union's financial statements fails to state a cause of action and must be dismissed.

NOW, THEREFORE, it is

ORDERED

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

DATED at Olympia, Washington, this 10th day of March, 1995.

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.