

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

KAREN A. MCKINNEY-ROBINSON,)	
)	
Complainant,)	CASE 11633-U-95-2731
)	
vs.)	DECISION 5092 - PECB
)	
CITY OF SEATTLE,)	
)	
Respondent.)	ORDER OF DISMISSAL
)	
)	

On March 8, 1995, Karen A. McKinney-Robinson filed a complaint charging unfair labor practices with the Public Employment Relations Commission, alleging that the City of Seattle violated RCW 41.56.140(1) and (3) by holding a meeting with the complainant on March 1, 1995, wherein she was not provided an opportunity to have a union representative present.

In a preliminary ruling letter dated March 27, 1995,¹ the parties were directed to WAC 391-45-050(3), which requires a complainant to supply a detailed statement of facts upon which the Executive Director may make a determination. Specifically, it was noted that it was not clear whether the meeting was investigatory in nature, whether the complainant made a request for union representation, or whether such request was refused. The complaint, in fact, was susceptible of an interpretation that the meeting was not investigatory in nature but merely held for the purpose of advising the complainant she was being placed on administrative leave pending further investigation of possible fraud. The complainant was given

¹ At that 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.

a period of 14 days in which to file and serve the necessary clarification, or face dismissal of the complaint.

The complainant filed a response to the preliminary ruling letter on April 6, 1995. From that supplemental submission, it does not appear that the March 1, 1995 meeting at issue was investigatory in nature. Rather, the sole purpose of that meeting appears to have been to provide the complainant with written notice that she was being placed on administrative leave pending an investigation by the employer of questions relative to possible falsification of pay records and unauthorized payment of employer funds.

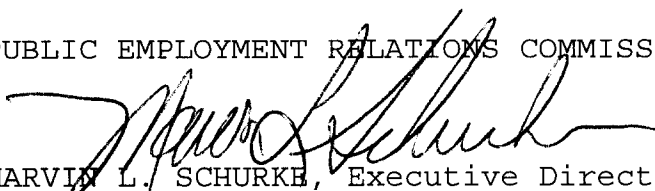
Based upon the supplemental information filed by the complainant, the complaint does not state a claim for relief available through unfair labor practice proceedings before the Public Employment Relations Commission. There is no obligation upon an employer to permit the presence of a union representative at a meeting of the type described by the complainant in this case. See, Pierce County Fire District, Decision 3334 (PECB, 1989).

NOW, THEREFORE, it is

ORDERED

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

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.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

603 EVERGREEN PLAZA BUILDING
OLYMPIA, WASHINGTON 98504-0919
(206) 753-3444

JANET L. GAUNT, CHAIRPERSON
MARK C. ENDRESEN, COMMISSIONER
DUSTIN C. McCREARY, COMMISSIONER
MARVIN L. SCHURKE, EXECUTIVE DIRECTOR

RECORD OF SERVICE

THE ATTACHED DOCUMENT, IDENTIFIED AS: DECISION 5092 - PECB
HAS BEEN SERVED BY THE PUBLIC EMPLOYMENT RELATIONS COMMISSION BY DEPOSIT
IN THE UNITED STATES MAIL, ON THE DATE ISSUED INDICATED BELOW, POSTAGE
PREPAID, ADDRESSED TO THE PARTIES AND THEIR REPRESENTATIVES LISTED IN THE
DOCKET RECORDS OF THE COMMISSION AS INDICATED BELOW:

PUBLIC EMPLOYMENT RELATIONS COMMISSION

BY: *Betty Passmore*
/s/BETTY PASSMORE

ISSUED : 05-03-95

CASE NUMBER : 11633-U-95-02731
FILED. : 03-08-95 FILED BY : PARTY 2
DISPUTE : ER INTERFERENCE

DETAIL :

Employer CITY OF SEATTLE
Attn LIZANNE LYONS
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SEATTLE, WA 98104
206-684-3011 206-684-7875
Rep by DIANA GALE
CITY OF SEATTLE
710 2ND AVE 10TH FLOOR

Party #2 KAREN A MCKINNEY-ROBINSON
Attn
9402 12TH AVE SW
SEATTLE WA 98104
206-767-9761

Rep by

SEATTLE WA 98104
206-684-5822
Rep by PAT LEMAY
CITY OF SEATTLE
DEXTER HORTON BLDG 12TH FLR
710 2ND AVENUE
SEATTLE, WA 98104
206-684-7872

Rep by

Party #3 IFPTE, LOCAL 17
Attn DONALD BRISCOE
2900 EASTLAKE AVE. E., STE 300

Party #4
Attn

SEATTLE, WA 98102
206-328-7321
Rep by

Rep by

Rep by

Rep by