

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

CITY OF SEATTLE,)	
)	
Employer.)	
-----)	
KAREN A. MCKINNEY-ROBINSON,)	CASE 11634-U-95-2732
)	
Complainant,)	
)	
vs.)	DECISION 5093 - PECB
)	
INTERNATIONAL FEDERATION OF)	
PROFESSIONAL AND TECHNICAL)	
ENGINEERS, LOCAL 17,)	ORDER OF DISMISSAL
)	
Respondent.)	
)	
_____)	

On March 8, 1995, Karen A. McKinney-Robinson filed a complaint charging unfair labor practices with the Public Employment Relations Commission, alleging that International Federation of Professional and Technical Engineers, Local 17, violated her rights under the Public Employees' Collective Bargaining Act by virtue of advice the union's representative gave the complainant concerning a meeting between the complainant and her employer, the City of Seattle, held on March 1, 1995. The complainant protests that she was not provided an opportunity to have a union representative present at that meeting.

A preliminary ruling letter directed to the parties on March 27, 1995,¹ noted that WAC 391-45-050(3) requires a complainant to

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.

provide detailed factual allegations, and specifically noted that it was not possible to determine whether the meeting at issue was investigatory in nature. The complaint was, in fact, susceptible of an interpretation that the meeting was 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 14 days in which to file and serve an amended complaint, 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.

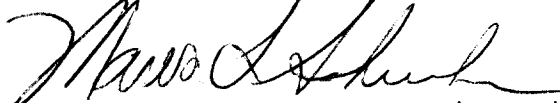
Based upon the supplemental information filed by the complainant, the complaint does not state a claim for relief available through unfair labor practice proceedings before the Public Employment Relations Commission. The union does not appear to have misled the complainant. There is no obligation upon either an employer or union to have a union representative present, or even to inform an employee that a union representative will be furnished upon request, if the meeting is merely for the purpose of imposing a disciplinary sanction already determined by the employer. Pierce County Fire District, Decision 3334 (PECB, 1989). The respondent, accordingly, did not violate the statute when it advised the respondent she would not be entitled to union representation at the March 1, 1995 meeting with her employer, and would certainly have had no right to force its way into a meeting where the employee herself was not entitled to union representation.

NOW, THEREFORE, it is

ORDERED

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

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in cursive script, appearing to read "Marvin L. Schurke", written in black ink.

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 5093 - 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

CASE NUMBER : 11634-U-95-02732 ISSUED : 05-03-95
FILED : 03-08-95 FILED BY : PARTY 2 DETAIL :
DISPUTE : UN FAIR REP

Employer CITY OF SEATTLE
Attn LIZANNE LYONS
12TH FLR, DEXTER-HORTON BLDG.
710 - 2ND AVENUE
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 SHARON WEATHERSPOON
CITY OF SEATTLE
710 2ND AVE 10TH FLOOR

Rep by

SEATTLE WA 98104

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