

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

WASHINGTON STATE COUNCIL OF	)	
COUNTY AND CITY EMPLOYEES,	)	
	)	
Complainant,	)	CASE 11901-U-95-2798
	)	
vs.	)	DECISION 5318 - PECB
	)	
CITY OF KIRKLAND,	)	
	)	
Respondent.	)	ORDER OF DISMISSAL
	)	
	)	

---

On July 11, 1995, the Kirkland Public Employees' Guild filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, alleging that the City of Kirkland had committed unfair labor practices by its discharge of Kim Yates in reprisal for her union activities. In a preliminary ruling letter issued on July 26, 1995, pursuant to WAC 391-45-110,<sup>1</sup> the complainant was informed that the complaint was vague as to the dates of the alleged occurrences.

On August 23, 1995, the Washington State Council of County and City Employees filed an amended complaint in the above-captioned matter, identifying itself as the successor by merger to the Kirkland Public Employees' Guild. The amended complaint indicated Kim Yates received notice on January 10, 1995 that her employment was being terminated. In a preliminary ruling letter issued on September 21, 1995, the WSCCCE was informed that the complaint appeared to be untimely filed under RCW 41.56.160(1), which provides:

---

<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.

The commission is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders: **PROVIDED, That a complaint shall not be processed for any unfair labor practice occurring more than six months before the filing of the complaint with the commission.** This power shall not be affected or impaired by any means of adjustment, mediation or conciliation in labor disputes that have been or may hereafter be established by law.

[Emphasis by **bold** supplied.]

The original complaint in this case was filed (i.e., actually received and date-stamped) in the Commission's office on July 11, 1995, which was six months and one day after the discharge. The WSCCCE was given 14 days in which to file and serve an amended complaint which stated a cause of action, or face dismissal of the case. Nothing further has been heard or received from the complainant(s).

NOW, THEREFORE, it is

ORDERED

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

Issued at Olympia, Washington, on the 20th day of October, 1995.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
MARVIN L. SCHURKE, Executive Director

This order will be the final order of the agency unless appealed by filing a petition for review with the Commission pursuant to WAC 391-45-350.