

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

CITY OF SELAH,	)	
	)	
Employer.	)	
-----	)	
JIM MORRISON,	)	
	)	
Complainant,	)	CASE 12059-U-95-2838
	)	
vs.	)	DECISION 5382 - PECB
	)	
CITY OF SELAH EMPLOYEES	)	
ASSOCIATION,	)	
	)	
Respondent.	)	ORDER OF DISMISSAL
-----	)	
JIM MORRISON,	)	
	)	
Complainant,	)	CASE 12060-U-95-2839
	)	
vs.	)	DECISION 5383 - PECB
	)	
CITY OF SELAH,	)	
	)	
Respondent.	)	ORDER OF DISMISSAL
-----	)	

Jim Morrison filed unfair labor practice charges with the Public Employment Relations Commission on September 28, 1995. The named respondents were the Selah Employees Association (Case 12059-U-95-2838) and the City of Selah (Case 12060-U-95-2839). These cases concern the collective bargaining process which resulted in a contract between the union and employer in January of 1995. Morrison was unhappy with the wages negotiated for a "waste water operator" classification, because Morrison had previously entered into a private arrangement with the employer that tied his wages to the rate of pay of waste water operators.

The complaints were considered together by the Executive Director, for the purpose of making preliminary rulings pursuant to WAC 391-

45-110.<sup>1</sup> In a letter issued on October 25, 1995, the complainant was notified that the complaint needed clarification, and that his complaints did not appear to be timely filed. The complainant was given a period of 14 days in which to file and serve an amended complaint which stated a cause of action, or face dismissal of the complaints.

On November 6, 1995, Morrison requested additional time to respond to the preliminary ruling letter. The deadline for a response from Morrison was extended until November 27, 1995. Nothing further has been heard or received from the complainant on these matters.

The collective bargaining agreement which is the subject of these complaints was effectuated in January of 1995. Thus, these complaints were filed approximately eight months after the event which is being challenged. RCW 41.56.160 provides that the Commission shall not process any unfair labor practice complaint occurring more than six months before the filing of the complaint. The clock begins to run when the adverse employment decision is made and communicated to the employee, and the six month time limit has been extended only where it can be demonstrated that the complainant did not have actual or constructive knowledge of the acts or events which are the basis of the charge. Spokane County, Decision 2377 (PECB, 1986); City Of Dayton, Decision 2111-A (PECB, 1986). The Commission's precedents in this area are consistent with the rulings of the National Labor Relations Board under the similar limitations in the federal law. See, U.S. Postal Service, 271 NLRB 397 (1984); Metromedia, Inc., 232 NLRB 76 (1977), 586 F.2d 1182 (8th Circuit, 1978); and ACF Industries, Inc., 231 NLRB 83 (1977), 592 F.2d 422 (8th Circuit, 1979).

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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.

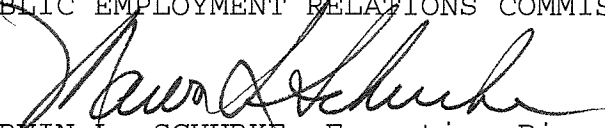
NOW, THEREFORE, it is

ORDERED

1. DECISION 5382 - PECB (Case 12059-U-95-2838): The complaint charging unfair labor practices filed in this matter against City of Selah Employees Association is DISMISSED as untimely filed.
  
2. DECISION 5383 - PECB (Case 11870-U-95-2791): The complaint charging unfair labor practices filed in this matter against the City of Selah is DISMISSED as untimely filed.

ISSUED at Olympia, Washington, this 6th day of December, 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.