

CITY OF CHELAN City of Chelan, Decisions 6112, 6113, 6114, 6115,  
and 6116 (PECB, 1997)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

CITY OF CHELAN,	)	
	)	
Employer.	)	
-----	)	
HOWARD MERCHANT,	)	CASE 13339-U-97-3253
	)	
Complainant,	)	DECISION 6112 - PECB
	)	
JULIA MERCHANT,	)	CASE 13340-U-97-3254
	)	
Complainant,	)	DECISION 6113 - PECB
	)	
TRISTIN WORTHEN,	)	CASE 13341-U-97-3255
	)	
Complainant,	)	DECISION 6114 - PECB
	)	
STEVE LILES,	)	CASE 13350-U-97-3257
	)	
Complainant,	)	DECISION 6115 - PECB
	)	
LARRY SWEENEY,	)	CASE 13359-U-97-3261
	)	
Complainant,	)	DECISION 6116 - PECB
	)	
vs.	)	
	)	
WASHINGTON STATE COUNCIL OF	)	
COUNTY AND CITY EMPLOYEES,	)	
	)	
Respondent.	)	ORDER OF DISMISSAL

On August 13, 1997, Howard Merchant, Julia Merchant, and Tristen Worthen each filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming the Washington State Council of County and City Employees (union) as respondent. On August 20, 1997, Steve Liles filed a complaint charging unfair labor practices with the

Commission, naming the union as respondent. On August 25, 1997, Larry Sweeney filed a complaint charging unfair labor practices with the Commission, naming the union as respondent. Each of the complaints alleged that the union had unlawfully refused to allow withdrawal from union membership under a collective bargaining agreement between the union and the City of Chelan.

The complaints were considered by the Executive Director under WAC 391-45-110,<sup>1</sup> and a deficiency notice was issued in each case on September 18, 1997. It was pointed out that the Commission's jurisdiction over claims of unlawful enforcement of union security obligations was severely restricted by the decision of the Supreme Court of the State of Washington in IAFF Local 2916 v. PERC, 129 Wn.2d 375 (1995), so that the complaints failed to state a cause of action for unfair labor practice proceedings before the Commission.<sup>2</sup> Each of the complainants was give 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 complaint. Nothing further has been heard or received from these complainants.

NOW, THEREFORE, it is

ORDERED

The unfair labor practice complaints filed in the above-captioned matters by Howard Merchant, Julia Merchant, Tristen Worthen, Steve

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<sup>1</sup> At this stage of the proceedings, all of the facts alleged in a 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.

<sup>2</sup> Problems with the terminology used by the complainants were also pointed out, but are not critical here.

Liles, and Larry Sweeney are each dismissed for failure to state a claim on which relieve can be granted through unfair labor practice proceedings before the Public Employment Relations Commission.

Issued at Olympia, Washington, on the 7<sup>th</sup> day of November, 1997.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

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

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.