

City of Kalama, Decision 6528 (PECB, 1998)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

KALAMA POLICE GUILD,	)	
	)	
Complainant,	)	CASE 14074-U-98-3480
	)	
vs.	)	DECISION 6528 - PECB
	)	
CITY OF KALAMA,	)	
	)	
Respondent.	)	ORDER OF DISMISSAL
	)	
	)	

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On August 6, 1998, the Kalama Police Guild (union) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming the City of Kalama (employer) as respondent. The complaint was reviewed by the Executive Director for the purpose of making a preliminary ruling under WAC 391-45-110.<sup>1</sup> A deficiency notice issued on November 20, 1998, indicated that the complaint, as filed, failed to state a cause of action for unfair labor practice proceedings before the Commission. The union was given a period of 14 days to file and serve an amended complaint which stated a cause of action, or face dismissal of the case. Nothing further has been received from the complainant, so dismissal is indicated.

The union alleged the employer committed an unfair labor practice by refusing to pay holiday pay in accordance with past practice,

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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 the complaint, as filed, states a cause for relief available through unfair labor practice proceedings before the Commission.

but the deficiency notice pointed out that the complaint made reference to an expired contract with another labor organization and that no copy of that contract was provided. Additionally, it was noted that the complaint did not provide sufficient information with regard to past practice, and that the timeliness of the complaint was uncertain. Those defects have not been cured.

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices filed in the above-captioned matter is DISMISSED for failure to state a cause of action.

Issued at Olympia, Washington this 30<sup>th</sup> day of December, 1998.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under WAC 391-45-350.