

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

KALAMA POLICE GUILD,	)	
	)	
Complainant,	)	CASE 14076-U-98-3482
	)	
vs.	)	DECISION 6493 - 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. Specifically, the union alleged that the employer committed an unfair labor practice by refusing to compensate an employee for time spent testifying at a hearing before an Examiner in another unfair labor practice case.

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 September 24, 1998, indicated that the complaint, as filed, failed to state a cause of action for unfair labor practice proceedings before the Commission. The deficiency notice pointed out that no statute, rule, or precedent can be found which suggest an employer is obligated to compensate its employees for their time spent processing cases before the Commission. Addition-

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

ally, the deficiency notice pointed out that RCW 34.05.446(7) provides the "party requesting issuance of a subpoena shall pay the fees and allowances and cost of providing records required to be produced by the subpoena", and that recent amendments to WAC 391-08-310(6) restate the obligation of the party issuing a subpoena to pay the witness fees, mileage, allowances for meals, and lodging for any witness they require to testify at a hearing.

The union was given a period of 14 days to file and serve an amended complaint which stated a cause for action, or face dismissal of the case. Nothing further has been received from the complainant.

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 20<sup>th</sup> day of November, 1998.

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.