

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

SPOKANE COUNTY,)	
)	
Employer,)	CASE 10730-U-93-2496
)	DECISION 4882 - PECB
)	
-----)	
THOMAS VELJIC,)	CASE 10781-U-93-2506
)	DECISION 4883 - PECB
Complainants,)	
)	
vs.)	CASE 11126-U-94-2590
)	DECISION 4884 - PECB
WASHINGTON STATE COUNCIL OF COUNTY)	
AND CITY EMPLOYEES,)	
)	PRELIMINARY RULING
Respondent.)	AND PARTIAL
)	ORDER OF DISMISSAL
-----)	

On October 19, 1993, Thomas Veljic filed a complaint charging unfair labor practices with the Public Employment Relations Commission, alleging that the Washington State Council of County and City Employees (WSCCCE) had committed a number of unfair labor practices in violation of Chapter 41.56 RCW.¹ Veljic filed a second complaint charging unfair labor practices against the WSCCCE on November 15, 1993,² and he filed a third complaint charging unfair labor practices with the Commission on May 16, 1994.³

The three complaints were the subject of a preliminary ruling letter issued on May 25, 1994, pursuant to WAC 391-45-110.⁴

¹ Case 10730-U-93-2496.

² Case 10781-U-93-2506.

³ Case 11126-U-94-2590.

⁴ At that 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

Case 10730-U-93-2496

A cause of action was found to exist with respect to the union's attempts after April 19, 1993, to enforce union security obligations in excess of those permitted by law. A number of problems were noted with other materials submitted in that matter, however:

* Several paragraphs of the complaint appeared to deal with events which took place more than six months prior to the filing of the complaint with the Commission. The parties were informed that RCW 41.56.160 precludes the processing of any complaint filed more than six months after the events which gave rise to the complaint.

* The complaint alleged that union security obligations were improperly explained or invoked with respect to employees other than Veljic. It was noted that Veljic lacked legal standing to pursue claims on behalf of individuals other than himself.

* It was noted that the Executive Director was not in a position to cull through a substantial volume of correspondence and contractual material that was attached to the complaint, to search for additional causes of action not specifically identified in the statement of facts.

Case 10781-U-93-2506

A cause of action was found to exist in the matter with respect to the union's filing of a grievance against Mr. Veljic in retaliation for his having filed the initial unfair labor practice complaint. The preliminary ruling letter noted a number of problems with this complaint, however:

* Certain of the allegations appeared to duplicate those which were found to state a cause of action in Case 10730-U-93-2496. The parties were informed that those allegations would be processed only in the earlier-filed case.

of law, the complaint states a claim for relief available through unfair labor practice proceedings before the Public Employment Relations Commission.

* The complaint alleged that the amount of dues demanded by the union was in conflict with its own constitution. The preliminary ruling letter noted that the Commission is not the forum for resolution of disputes among union members concerning the interpretation of their constitution, and that such issues would need to be pursued through the mechanisms set forth in the union's constitution or through the courts.

* This file also contained a substantial volume of correspondence and contractual material which was not identified in relation to any specific allegation, and the complainant was told that the Executive Director was unable to base conclusions upon that material.

Case 11126-U-94-2590

None of the allegations in this complaint were found to state a cause of action. The preliminary ruling letter noted:

* Certain of the allegations in this matter appeared to duplicate those found to state a cause of action in Case 10730-U-93-2496. The parties were advised that those allegations would be processed only in the earlier-filed case.

* Certain of the allegations appeared to duplicate those found to state a cause of action in Case 10781-U-93-2506. It was noted that those allegations would also be processed only in the earlier-filed case.

* This complaint alleged that the union used the employer's equipment in developing documents used in a termination proceeding, and that the employer corresponded with the union on this matter without providing copies to Mr. Veljic. It was noted that such allegations did not state a cause of action against the union, which was the only respondent named in the proceeding.

* Allegations regarding enforcement of union security provisions were found to be so lacking in detail as to fail to state a cause of action.

* In this matter as well, a substantial volume of correspondence and contractual material was not tied to any specific

allegation, and the complainant was told that the Executive Director was unable to base conclusions upon that material.

Absence of Amended Complaint

The complainant was given a period of 14 days following the date of the preliminary ruling letter in which to file and serve an amended complaint with respect to any allegations found not to state a cause of action, or face dismissal of those allegations. Nothing further has been heard or received from the complainant.

NOW, THEREFORE, it is

ORDERED

1. The allegations in Case 10730-U-93-2496 with respect to actions occurring more than six months prior to the filing of that case with the Commission are dismissed as untimely filed under RCW 41.56.160.
2. The allegations in Case 10730-U-93-2496 concerning the improper explanation or invocation of union security obligations with respect to employees of Spokane County other than Thomas Veljic are dismissed due to Veljic's lack of legal standing to pursue unfair labor practice complaints under Chapter 41.56 RCW for individuals other than himself.
3. Allegations in Case 10781-U-93-2506 which are duplicative of allegations filed in Case 10730-U-93-2496 will be processed in Case 10730-U-93-2496 only.
4. Allegations in Case 11126-U-94-2590 which are duplicative of allegations filed in the earlier cases will be processed only in Case 10730-U-93-2496 and Case 10781-U-93-2506.

5. The allegations in Case 10781-U-93-2506 with respect to the union making a demand for dues in contravention of its own constitution and/or bylaws are dismissed for lack of jurisdiction.
6. The allegations in Case 11126-U-94-2590 that the union improperly used the employer's equipment, and that the employer corresponded with the union without notifying Mr. Veljic are dismissed for failure to state a cause of action.
7. The following allegations shall be the subject of further proceedings before the Public Employment Relations Commission under Chapter 391-45 WAC:
 - a. Allegations in Case 10730-U-93-2496 with respect to the union's attempts after April 19, 1993, to enforce union security obligations in excess of those permitted by law; and
 - b. Allegations in Case 10781-U-93-2506 with respect to the union's filing of a grievance against Mr. Veljic in retaliation for his having filed the initial unfair labor practice complaint in this matter.

The Commission recently directed that answers be required at an early stage of unfair labor practice cases, and the Executive Director is designated as Examiner for that purpose. The case will be reviewed after the answer is filed, to evaluate the propriety or efficiency of a settlement conference under WAC 391-45-260, deferral to arbitration under City of Yakima, Decision 3564-A (PECB, 1991), priority processing, or other special handling.

PLEASE TAKE NOTICE THAT, with respect to the allegations listed in subparagraphs a. and b. of this paragraph 7, the

organization charged with an unfair labor practice in this matter (the "respondent") shall:

File and serve its answer to the allegations contained in paragraphs 6 and 7 within 21 days following the date of this order.

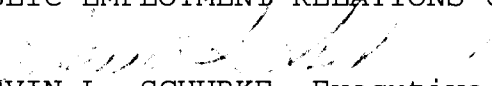
Except for good cause shown, a failure to file an answer within the time specified, or the failure of an answer to specifically deny or explain a fact alleged in the complaint, will be deemed to be an admission that the fact is true as alleged in the complaint, and as a waiver of a hearing as to the facts so admitted. WAC 391-45-210. An answer filed by a respondent shall:

1. Specifically admit, deny or explain each of the facts alleged in the complaint, except if the respondent is without knowledge of the facts, it shall so state, and that statement will operate as a denial.
2. Specify whether "deferral to arbitration" is requested, and include a copy of the collective bargaining agreement and other grievance documents on which a "deferral" request is based.
3. Assert any other affirmative defenses that are claimed to exist in the matter.

The original answer and three copies shall be filed with the Commission at its Olympia office. A copy of the answer shall be served, on the same date, on the attorney or principal representative of the complainant.

DATED at Olympia, Washington, this 20th day of October, 1994.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARVIN L. SCHURKE, Executive Director

Paragraphs 1, 2, 3, 4, 5 and 6 of this order may be appealed by filing a petition for review with the Commission pursuant to WAC 391-45-350.