

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

OFFICE AND PROFESSIONAL
EMPLOYEES INTERNATIONAL UNION,
LOCAL 11,

Complainant,

vs.

CITY OF VANCOUVER,

Respondent.

CASE 22815-U-09-5825

DECISION 10613 - PECB

ORDER OF DISMISSAL

On October 23, 2009, the Office and Professional Employees International Union, Local 11 (union) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming the City of Vancouver (employer) as respondent. The complaint was reviewed under WAC 391-45-110,¹ and a deficiency notice issued on October 28, 2009, indicated that it was not possible to conclude that a cause of action existed at that time. The union was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case.

The union has not filed any further information. The Unfair Labor Practice Manager dismisses the complaint for failure to state a cause of action.

DISCUSSION

The allegations of the complaint concern employer refusal to bargain in violation of RCW 41.56.140(4) [and if so, derivative interference in violation of RCW 41.56.140(1)], by breach of its good faith bargaining obligations in negotiating a successor collective bargaining agreement.

¹ 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.

The deficiency notice pointed out the defects to the complaint. Complaints must conform to the provisions of WAC 391-45-050. Neither the complaint form nor the brief summary attached to the complaint do so; thus, they do not provide sufficient authorization and information for the Commission to process this case.

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in Case 22815-U-09-5825 is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 1st day of December, 2009.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in cursive script, appearing to read "David I. Gedrose".

DAVID I. GEDROSE, Unfair Labor Practice Manager

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.