

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

ROBERT S. ISLAS,

Complainant,

vs.

BEN FRANKLIN TRANSIT,

Respondent.

CASE 23394-U-10-5959

DECISION 10863 - PECB

ORDER OF DISMISSAL

On July 23, 2010, Robert S. Islas (Islas) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming Ben Franklin Transit (employer) as respondent. The complaint was reviewed under WAC 391-45-110,¹ and a deficiency notice issued on July 29, 2010, indicated that it was not possible to conclude that a cause of action existed at that time for the allegations of the complaint. Islas was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the defective allegations. Islas 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 actions involving Robert Islas (Islas). The deficiency notice pointed out the defects to the complaint. Islas did not file a complaint form. The complaint does not conform to the requirements of WAC 391-45-050 and RCW 41.56.160(1). The complaint does not indicate that any employer actions were taken in connection with Islas' union activities. The Commission does not appear to have jurisdiction in this case; Islas must seek remedies through state or federal human rights agencies or the civil courts.

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.

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in Case 23394-U-10-5959 is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 15th day of September, 2010.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



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.