

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

NORCOM,

Employer.

CHRISTOPHER ANDERSON,

Complainant,

vs.

NORCOM ASSOCIATED GUILD,

Respondent.

CASE 23622-U-10-6029

DECISION 10952 - PECB

PRELIMINARY RULING AND
ORDER OF PARTIAL DISMISSAL

On November 8, 2010, Christopher Anderson (Anderson) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming the NORCOM Associated Guild (union) as respondent. The allegations of the complaint concern union interference with employee rights in violation of RCW 41.56.150(1), by threats of reprisal or force or promises of benefit made to Christopher Anderson (Anderson) and Sara Kai Lee (Lee) regarding payment of union dues, and the union inducing the employer to commit an unfair labor practice (and if so, derivative interference) in violation of RCW 41.56.150(1), by requesting the employer to deduct union dues from Anderson's and Lee's wages. The complaint was reviewed under WAC 391-45-110,¹ and a deficiency notice issued on November 30, 2010, indicated that it was not possible to conclude that a cause of action existed at that time for the allegations of the complaint concerning Lee. Anderson was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the defective allegations. Anderson has not filed any further information.

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 Unfair Labor Practice Manager dismisses the allegations of the complaint concerning Lee for failure to state a cause of action, and finds causes of action for the allegations of the complaint concerning Anderson. The union must file and serve its answer to the complaint within 21 days of the date of this Decision.

DISCUSSION

The deficiency notice pointed out the defects to the complaint concerning Lee. WAC 391-45-050 1(c) and 4 require the names, contact information, and signatures of complainants. Only Anderson provided the required information and signed the complaint. In addition, Anderson has no standing to file the complaint on behalf of Lee, who must file a separate complaint.

NOW, THEREFORE, it is

ORDERED

1. Assuming all of the facts alleged to be true and provable, the following allegations of the complaint state a cause of action, summarized as follows:

Union interference with employee rights in violation of RCW 41.56.150(1), by:

- (a) threats of reprisal or force or promises of benefit made to Christopher Anderson (Anderson) regarding payment of union dues; and
- (b) the union inducing the employer to commit an unfair labor practice (and if so, derivative interference) in violation of RCW 41.56.150(1), by requesting the employer to deduct union dues from Anderson's wages.

Those allegations will be the subject of further proceedings under Chapter 391-45 WAC.

NORCOM ASSOCIATED GUILD shall:

File and serve its answer to the allegations listed in paragraph 1 of this Order, within 21 days following the date of this Order.

An answer shall:

- a. Specifically admit, deny or explain each fact alleged in the complaint, except if a respondent states it is without knowledge of the fact, that statement will operate as a denial; and
- b. Assert any affirmative defenses that are claimed to exist in the matter.

The answer shall be filed with the Commission at its Olympia office. A copy of the answer shall be served on the attorney or principal representative of the person or organization that filed the complaint. Service shall be completed no later than the day of filing. Except for good cause shown, a failure to file an answer within the time specified, or the failure to file 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.

2. The allegations of the complaint concerning union interference with employee rights in violation of RCW 41.56.150(1), by threats of reprisal or force or promises of benefit made Sara Kai Lee (Lee) regarding payment of union dues, and the union inducing the employer to commit an unfair labor practice (and if so, derivative interference) in violation of RCW 41.56.150(1), by requesting the employer to deduct union dues from Lee's wages, are DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 30th day of December, 2010.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



DAVID I. GEDROSE, Unfair Labor Practice Manager

Paragraph 2 of this order will be the final order of the agency on any defective allegations unless a notice of appeal is filed with the Commission under WAC 391-45-350.



PUBLIC EMPLOYMENT RELATIONS COMMISSION

112 HENRY STREET NE SUITE 300
PO BOX 40919
OLYMPIA, WASHINGTON 98504-0919

MARILYN GLENN SAYAN, CHAIRPERSON
PAMELA G. BRADBURN, COMMISSIONER
THOMAS W. McLANE, COMMISSIONER
CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR

RECORD OF SERVICE - ISSUED 12/30/2010

The attached document identified as: DECISION 10952 - PECB has been served by the Public Employment Relations Commission by deposit in the United States mail, on the date issued indicated above, postage prepaid, addressed to the parties and their representatives listed in the docket records of the Commission as indicated below:

PUBLIC EMPLOYMENT RELATIONS COMMISSION

BY: S/ ROBBIE DUFFIELD

CASE NUMBER: 23622-U-10-06029 FILED: 11/08/2010 FILED BY: PARTY 2
DISPUTE: UN MULTIPLE ULP
BAR UNIT: DISPATCHERS
DETAILS: -
COMMENTS:

EMPLOYER: NORCOM
ATTN: CHRIS FISCHER
450 110TH AVE NE
BELLEVUE, WA 98009
Ph1: 425-577-5700

PARTY 2: CHRISTOPHER ANDERSON
ATTN:
PO BOX 50911
BELLEVUE, WA 98015
Ph1: 352-235-6170

PARTY 3: NORCOM ASSOCIATED GUILD
ATTN: TRACI CALIGUIRI
1130 77TH DR SE
EVERETT, WA 98205