

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

TEAMSTERS LOCAL 252,

Complainant,

vs.

MASON COUNTY,

Respondent.

CASE 24388-U-11-6250

DECISION 11260 - PECB

ORDER OF DISMISSAL

On November 10, 2011, Teamsters Local 252 (union) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming Mason County (employer) as respondent. The complaint was reviewed under WAC 391-45-110,<sup>1</sup> and a deficiency notice issued on November 18, 2011, 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.

On December 8, 2011, the union filed an amended complaint. The Unfair Labor Practice Manager dismisses the amended 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)]. The deficiency notice pointed out the complaint's defects. WAC 391-45-050 (rule) establishes the requirements for the contents of unfair labor practice complaints. Although the complaint gives information on the parties and sets forth the statutory allegations, it does not substantially conform to the rule. WAC 391-45-050(2) requires complaints to provide (in numbered paragraphs) "Clear and concise statements of the facts constituting the alleged unfair labor practices, including times,

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<sup>1</sup> 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.

dates, places and participants in occurrences.” The statement of facts is inadequate and does not state a cause of action. The remedy request also does not provide sufficient information. In addition, the complaint is not signed, and no collective bargaining agreement is attached (there is no contract on file with the Commission).

Amended Complaint

The amended complaint is signed and includes a collective bargaining agreement. However, the amended statement of facts does not have numbered paragraphs and does not explain the relationship between Teamsters Local 252 and IUOE Local 302. The remedy includes the request that the “Employer will not direct deal with bargaining unit members”; however, there are no facts relating to that allegation.

The original complaint was filed on November 10, 2011. Under RCW 41.56.160(1), any violations susceptible to remedial action must have occurred on or after May 10, 2011; however, the amended statement of facts refers to two dates in March 2011 and merely references one applicable date, November 9, 2011, without further information. The amended complaint fails to substantially conform to WAC 391-45-050.

NOW, THEREFORE, it is

ORDERED

The amended complaint charging unfair labor practices in Case 24388-U-11-6250 is DISMISSED for failure to state a cause of action.

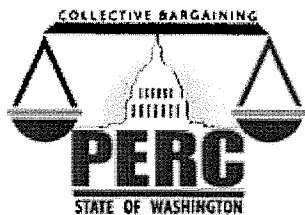
ISSUED at Olympia, Washington, this 20th day of December, 2011.

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.



## 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 12/20/2011

The attached document identified as: **DECISION 11260 - 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: 24388-U-11-06250      FILED: 11/10/2011      FILED BY: PARTY 2  
DISPUTE: ER MULTIPLE ULP  
BAR UNIT: SKILLED MAINT  
DETAILS: -  
COMMENTS:

EMPLOYER: MASON COUNTY  
ATTN: MASON COUNTY COMMISSIONERS  
COURTHOUSE BLDG 1  
411 N 5TH  
SHELTON, WA 98584  
Ph1: 360-427-9670

REP BY: DENISE ASHBAUGH  
SUMMIT LAW GROUP  
315 5TH AVE S STE 1000  
SEATTLE, WA 98104-2682  
Ph1: 206-676-7094    Ph2: 206-676-7000

PARTY 2: TEAMSTERS LOCAL 252/IUOE LOCAL 302  
ATTN: DARREN O'NEIL  
217 E MAIN ST  
CENTRALIA, WA 98531-4449  
Ph1: 360-736-9979

REP BY: RICK ENGLEHART  
TEAMSTERS LOCAL 252  
119 1/2 CAPITOL WAY  
OLYMPIA, WA 98501  
Ph1: 360-943-1950