

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

SNO-KING EDDIE THOMAS FOP  
LODGE #30,

Complainant,

vs.

CITY OF BRIER,

Respondent.

CASE 24317-U-11-6231

DECISION 11222 - PECB

ORDER OF DISMISSAL

On October 6, 2011, Sno King Eddie Thomas FOP Lodge #30 (union) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming the City of Brier (employer) as respondent. The complaint was reviewed under WAC 391-45-110,<sup>1</sup> and a deficiency notice issued on October 13, 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.

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 discrimination (and if so, derivative interference) in violation of RCW 41.56.140(1), and 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 its actions concerning Pat Murphy (Murphy).

The deficiency notice pointed out the defects to the complaint.

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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.

WAC 391-45-050 requires complaints to have numbered paragraphs and contain “Clear and concise statements of the facts constituting the alleged unfair labor practices, including times, dates, places and participants in occurrences” [WAC 391-45-050(2)], include remedy requests [WAC 391-45-050(3)], and have attached collective bargaining agreements.

The statement of facts appears to be a draft. It does not have numbered paragraphs, and there is no remedy request. It includes two formatted parenthetical statements concerning discipline: (*insert date of discipline*) (italics added for emphasis). It states that “The complainant used the previous discipline . . .,” apparently referring to the respondent’s use of disciplinary records. The statement of facts in general is not clear and concise, and it is difficult to understand the union’s allegations. The complaint form indicates that no grievance has been filed in this dispute, but it is not clear whether there is an outstanding grievance filed by Murphy over disciplinary actions. Further, no collective bargaining agreement has been received to date.

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in Case 24317-U-11-6231 is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 9th day of November, 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

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PUBLIC EMPLOYMENT RELATIONS  
COMMISSION

BY:  ROBBIE DUFFIELD

CASE NUMBER: 24317-U-11-06231                      FILED: 10/06/2011                      FILED BY: PARTY 2  
DISPUTE: ER MULTIPLE ULP  
BAR UNIT: LAW ENFORCE  
DETAILS: Pat Murphy  
COMMENTS:

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