

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

MARK HALL,

Complainant,

vs.

SPOKANE COMMUNITY COLLEGE
(COMMUNITY COLLEGE DISTRICT 17),

Respondent.

CASE 24541-U-12-6282

DECISION 11314 - PSRA

ORDER OF DISMISSAL

On February 8, 2012, Mark Hall (Hall) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming Community College District 17 (employer) as respondent. The complaint was reviewed under WAC 391-45-110,¹ and a deficiency notice issued on February 14, 2012, indicated that it was not possible to conclude that a cause of action existed at that time. Hall was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case.

On March 5, 2012, Hall filed a letter addressed to the employer's representative. Hall has not filed any further information with the Commission. The Unfair Labor Practice Manager dismisses the amended complaint for failure to state a cause of action.

DISCUSSION

The deficiency notice pointed out the defects to the complaint.

WAC 391-45-050(2) requires clear and concise statements of the facts. The statement of facts is not clear and concise.

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.

Although Hall checked the box on the complaint form for "Employer Interference," the statement of facts does not show that the employer made threats of reprisal or force or promises of benefit to Hall in connection with his union activities, in violation of RCW 41.80.110(1)(a). Rather, the statement of facts and the remedy request are concerned with allegations of the employer's breach of the collective bargaining agreement and refusal to bargain.

The Commission does not assert jurisdiction to remedy breach of contract violations. Regarding the refusal to bargain allegations, Hall does not have standing to process that claim. Only employers and exclusive bargaining representatives have standing to file and pursue refusal to bargain claims.

Amended Complaint

Hall's response was in the form of a letter addressed to the employer's representative, Diane Leigh, of the Office of Financial Management. The letter does not respond to the deficiency notice and does not conform to WAC 391-45-050, other than to request a remedy. The amended complaint is defective.

NOW, THEREFORE, it is

ORDERED

The amended complaint charging unfair labor practices in Case 24541-U-12-6282 is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 9th day of March, 2012.

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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PO BOX 40919
OLYMPIA, WASHINGTON 98504-0919

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THOMAS W. McLANE, COMMISSIONER
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PUBLIC EMPLOYMENT RELATIONS
COMMISSION


BY: S/ ROBBIE DUFFIELD

CASE NUMBER: 24541-U-12-06282 FILED: 02/08/2012 FILED BY: PARTY 2
DISPUTE: ER UNILATERAL
BAR UNIT: SUPERVISORS
DETAILS: -
COMMENTS:

EMPLOYER: C COL DIST 17 - SPOKANE
ATTN: NORMAN SIEVERT
SPOKANE COLLEGES
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SPOKANE, WA 99217-6000
Ph1: 509-434-5031

REP BY: DIANE LEIGH
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210 11TH AVE SW STE 331
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PARTY 2: MARK HALL
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