

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

STAN KOSCIOW,

Complainant,

vs.

STATE – HEALTH,

Respondent.

CASE 25268-U-12-6469

DECISION 11615 - PSRA

ORDER OF DISMISSAL

On November 2, 2012, Stan Kosciow (Kosciow) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming the State of Washington Department of Health (employer) as respondent. The complaint was reviewed under WAC 391-45-110,¹ and a deficiency notice issued on November 20, 2012, indicated that it was not possible to conclude that a cause of action existed at that time. Kosciow was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case.

Kosciow 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 interference with employee rights in violation of RCW 41.80.110(1)(a), and employer discrimination in violation of RCW 41.80.110(1)(c) [and if so, derivative interference in violation of RCW 41.80.110(1)(a)], by its actions involving Stan Kosciow, Crisanta Go Uy, and unidentified co-workers.

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 deficiency notice pointed out the defects to the complaint.

Kosciow has no standing to file an unfair labor practice complaint on behalf of other employees. He may file an unfair labor practice complaint on his own behalf alleging employer violations of his collective bargaining rights under Chapter 41.80 RCW.

Unfair labor practice complaints must be filed in accordance with WAC 391-45-050(2)(rule), with clear and concise statements of facts (in numbered paragraphs) containing times, dates, places, and participants in occurrences. Kosciow attempts to incorporate detailed e-mails into an incomplete and vague statement of facts. That attempt does not comply with the rule.

Kosciow alleges in the statement of facts that his union representative told him that his complaint "would constitute the valid claim." However, in materials submitted by Kosciow, his union representative told him the opposite, stating (accurately), "there is no valid claim that a ULP occurred on the basis of discrimination or union interference." While not discounting Kosciow's statement of his medical condition, the information he presents does not appear to be within the Commission's jurisdiction. Kosciow should seek a remedy through his union.

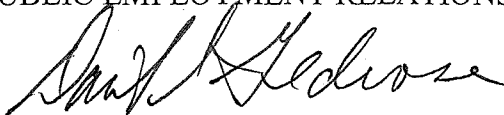
NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in Case 25268-U-12-6469 is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 2nd day of January, 2013.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



DAVID I. GEDROSE, Unfair Labor Practice Manager

This 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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RECORD OF SERVICE - ISSUED 01/02/2013

The attached document identified as: **DECISION 11615 - PSRA** 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: 25268-U-12-06469 FILED: 11/02/2012 FILED BY: PARTY 2
DISPUTE: ER MULTIPLE ULP
BAR UNIT: ALL EMPLOYEES
DETAILS: -
COMMENTS:

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