

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

WASHINGTON STATE PATROL
TROOPERS ASSOCIATION,

Complainant,

vs.

WASHINGTON STATE PATROL,

Respondent.

CASE 26094-U-13-6679

DECISION 11957 - PECB

ORDER OF DISMISSAL

On November 12, 2013, the Washington State Patrol Troopers Association (union) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming the Washington State Patrol as respondent. The complaint was reviewed under WAC 391-45-110,¹ and a deficiency notice issued on November 19, 2013, 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 interference with employee rights in violation of RCW 41.56.140(1), by threats of reprisal or force or promises of benefit made to all bargaining unit members in connection with their union activities.

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.

The union alleges that the employer has violated RCW 41.56.140(1), "By prohibiting bargaining unit employees who are questioned as witnesses during disciplinary investigations from communicating with Association Representatives during WSP disciplinary investigations"

The union alleges that the employer has given the bargaining unit members an order to that effect (Complaint, Paragraph 10). WAC 391-45-050(2) requires statements of facts to include times, dates, places, and participants in occurrences regarding allegations of unfair labor practices. RCW 41.56.160(1) requires a complaint to be filed within six months of the alleged violation. The complaint does not provide sufficient information concerning the order, including who issued it, the format of the order, when it was issued, who received it, and when was it received.

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in Case 26094-U-13-6679 is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 19th day of December, 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

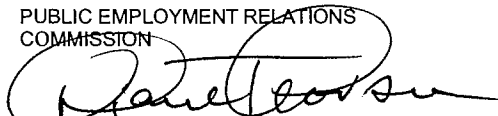
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PUBLIC EMPLOYMENT RELATIONS
COMMISSION



BY: *DS* DIANE THOVSEN

CASE NUMBER: 26094-U-13-06679 FILED: 11/12/2013 FILED BY: PARTY 2
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