

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

PUYALLUP SCHOOL DISTRICT,

Employer.

TIFFANY BUCCI,

Complainant,

vs.

SERVICE EMPLOYEES INTERNATIONAL  
UNION, LOCAL 1948,

Respondent.

CASE 26072-U-13-6676

DECISION 11958 - PECB

ORDER OF DISMISSAL

On November 5, 2013, Tiffany Bucci (Bucci) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming Service Employees International Union, Local 1948 (union) as respondent. The employer is not a party to the dispute. The complaint was reviewed under WAC 391-45-110,<sup>1</sup> and a deficiency notice issued on November 14, 2013, indicated that it was not possible to conclude that a cause of action existed at that time. Bucci was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case.

Bucci 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 union interference with employee rights in violation of RCW 41.56.150(1), regarding a vote by bargaining unit members on a collective bargaining issue.

The deficiency notice pointed out the defects to the complaint.

<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.

One, the statement of facts does not conform to WAC 391-45-050(2), which requires clear and concise statements of facts (in numbered paragraphs), to include times, dates, places, and participants in occurrences. Attached e-mails are not acceptable substitutes for a statement of facts.

Two, the complaint is not signed. WAC 391-45-050(4). The complaint contains the names and signatures of 16 individuals; however, class action complaints are not permitted under Commission rules and may not be processed. Each complainant must file his or her own complaint.

Three, the brief statement of the claim indicates that the complaint concerns the union conducting a vote of its membership over a change to the medical insurance premium pricing ratio. The complainants object to the union's actions regarding the vote. This is entirely an internal union matter; the Commission has no jurisdiction over internal union business. Thus, even if the complainants filed individual amended complaints and complied with the requirements of WAC 391-45-050, the Commission could not process them, and the amended complaints would be defective for lack of jurisdiction. The complainants must seek remedies through internal union procedures or the courts.

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in Case 26072-U-13-6676 is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 19<sup>th</sup> 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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MIKE SELLARS, EXECUTIVE DIRECTOR

### RECORD OF SERVICE - ISSUED 12/19/2013

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PUBLIC EMPLOYMENT RELATIONS  
COMMISSION

  
BY: DIANE THOVSEN

CASE NUMBER: 26072-U-13-06676      FILED: 11/05/2013      FILED BY: PARTY 2  
DISPUTE: UN MISC ULP  
BAR UNIT: CLERICAL  
DETAILS: -  
COMMENTS:

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