

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

KING COUNTY,	Employer.	
ABDUL MOHAMED,	Complainant,	CASE 25947-U-13-6646
vs.		DECISION 11923 - PECB
KING COUNTY CORRECTIONS' GUILD,	Respondent.	ORDER OF DISMISSAL

On September 16, 2013, Abdul Mohamed (Mohamed) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming the King County Corrections' Guild (union) as respondent. Prior to the issuance of a ruling, Mohamed filed an amended complaint on September 30, 2013. The amended complaint was reviewed under WAC 391-45-110,¹ and a deficiency notice issued on October 2, 2013, indicated that it was not possible to conclude that a cause of action existed at that time. Mohamed was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case.

Mohamed has not filed any further information. The Unfair Labor Practice Manager dismisses the amended complaint for failure to state a cause of action.

DISCUSSION

The allegations of the amended complaint concern union interference with employee rights in violation of RCW 41.56.150(1), by its actions toward Mohamed. The deficiency notice pointed out the defects to the amended complaint.

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 amended complaint's statement of facts does not have numbered paragraphs as required by WAC 391-45-050 (rule); no collective bargaining agreement was attached as required by the rule. Although those defects could be readily cured, the amended complaint is substantially defective. Mohamed alleges that the union did not select him as a representative for KCCF 2nd Shift Representative. This apparently is a union position, and the appointment is determined solely by the union.

It is an unfair labor practice in violation of RCW 41.56.150(1) for a union to interfere with the collective bargaining rights of its members. However, the amended complaint does not indicate that the union has interfered with Mohamed's collective bargaining rights, but rather that the union did not select him for an internal union position. Mohamed apparently remains a member of the union in good standing, and the union's action does not affect his rights under Chapter 41.56 RCW or his employment status. This is entirely a matter of internal union business, and the Commission does not have jurisdiction over internal union affairs. Mohamed must seek relief through internal union procedures or the courts.

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in Case 25947-U-13-6646 is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 5th day of November, 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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The attached document identified as: **DECISION 11923 - PECB** 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: 25947-U-13-06646 FILED: 09/16/2013 FILED BY: PARTY 2
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