

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

KING COUNTY,

Employer.

JOHN AMATO,

Complainant,

vs.

AMALGAMATED TRANSIT UNION,  
LOCAL 587,

Respondent.

CASE 26052-U-13-6665

DECISION 11945 - PECB

ORDER OF DISMISSAL

On October 29, 2013, John Amato (Amato) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming Amalgamated Transit Union, Local 587 (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 6, 2013, indicated that it was not possible to conclude that a cause of action existed at that time. Amato was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case.

Amato 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), by its actions toward Amato. 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.

Amato alleges that during a shift pick, the union interfered “with my rights outlined in the collective bargaining agreement.” The Public Employment Relations Commission has jurisdiction over collective bargaining statutes, but does not have jurisdiction over the interpretation of collective bargaining agreements (CBA). Amato alleges that the union violated the CBA during a shift pick on August 25, 2013. The Commission does not have jurisdiction. Amato must seek relief through internal union procedures or the courts.

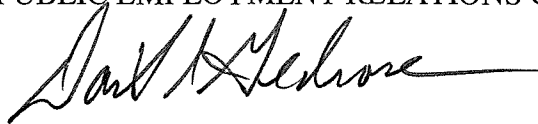
NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in Case 26052-U-13-6665 is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 4<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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OLYMPIA, WASHINGTON 98504-0919

MARILYN GLENN SAYAN, CHAIRPERSON  
THOMAS W. McLANE, COMMISSIONER  
MARK E. BRENNAN, COMMISSIONER  
MIKE SELLARS, EXECUTIVE DIRECTOR

### RECORD OF SERVICE - ISSUED 12/04/2013

The attached document identified as: **DECISION 11945 - 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/ DIANE THOVSEN

CASE NUMBER: 26052-U-13-06665 FILED: 10/29/2013 FILED BY: PARTY 2  
DISPUTE: UN INTERFERENCE  
BAR UNIT: TRANSIT BUS  
DETAILS: -  
COMMENTS:

EMPLOYER: KING COUNTY  
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PARTY 2: JOHN AMATO  
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PARTY 3: ATU LOCAL 587  
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