

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

GEORGE PFINGST,

Complainant,

vs.

WASHINGTON STATE FERRIES,

Respondent.

CASE 26487-U-14-6761

DECISION 12094 - MRNE

ORDER OF DISMISSAL

On May 15, 2014, George Pfingst (Pfingst) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming Washington State Ferries as respondent. The complaint was reviewed under WAC 391-45-110,¹ and a deficiency notice issued on May 21, 2014, indicated that it was not possible to conclude that a cause of action existed at that time. Pfingst was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case.

Pfingst did not file an amended complaint. On May 28, 2014, Pfingst sent an e-mail to the employer and the Commission stating that he was not going to pursue his grievance. The Commission does not have information concerning a grievance filed by Pfingst. The Unfair Labor Practice Manager dismisses the unfair labor practice complaint for failure to state a cause of action.

DISCUSSION

The allegations of the complaint concern employer violations of Chapter 47.64 RCW, by actions toward George Pfingst (Pfingst). The deficiency notice pointed out the defects to the 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.

Other than giving the name and address of the complainant, the complaint does not comply with the remaining requirements of WAC 391-45-050. The complaint does not give contact information for the employer/respondent. There is no clear and concise statement of facts (in numbered paragraphs), no remedy request, no signature, no attached collective bargaining agreement (CBA), and no identification of the statutes allegedly violated. (The CBA refers to the CBA between the employer and the union representing employees in Pfingst's classification.)

The brief statement provided by Pfingst does not indicate that the employer committed an unfair labor practice by terminating his employment in retaliation for union activities. Even if Pfingst cured the defects to the complaint, the Commission would not have jurisdiction in this matter.

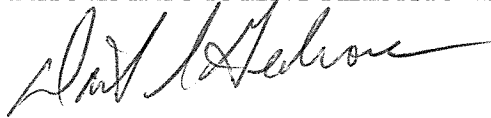
NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in Case 26487-U-14-6761 is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 20th day of June, 2014.

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 12094 - MRNE** 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: 26487-U-14-06761 FILED: 05/15/2014 FILED BY: PARTY 2
DISPUTE: ER MISC ULP
BAR UNIT: ALL EMPLOYEES
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COMMENTS:

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