

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

CLALLAM COUNTY,

Complainant,

vs.

TEAMSTERS LOCAL 589,

Respondent.

CASE 26465-U-14-6752

DECISION 12095 - PECB

PRELIMINARY RULING AND ORDER
OF PARTIAL DISMISSAL

On May 9, 2014, Clallam County (employer) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming Teamsters Local 589 (union) as respondent. The complaint was reviewed under WAC 391-45-110,¹ and a deficiency notice issued on May 22, 2014, indicated that it was not possible to conclude that a cause of action existed at that time for some of the allegations of the complaint. The employer was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the defective allegations.

The employer has not filed any further information. The Unfair Labor Practice Manager dismisses the defective allegations of the complaint for failure to state a cause of action, and finds a cause of action for the valid allegations of the complaint as set forth in the preliminary ruling below. The union must file and serve its answer to the complaint within 21 days following the date of this Decision.

DISCUSSION

The allegations of the complaint concern union refusal to bargain in violation of RCW 41.56.150(4) [and derivative interference in violation of RCW 41.56.150(1)], by breach of its good

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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.

faith bargaining obligations regarding (a) its proposal of November 27, 2013, in collective bargaining negotiations, (b) making information requests on November 13, 2013, that are not relevant to collective bargaining negotiations or administration of the collective bargaining agreement; and (c) its proposal for coalition bargaining made on August 15, 2013.

The allegations of the complaint concerning the union's proposal of November 27, 2013, and information request of November 13, 2013, state causes of action under WAC 391-45-110(2) for further unfair labor practice proceedings before the Commission.

The deficiency notice pointed out the defects to the allegations concerning the union's coalition bargaining proposal made on August 15, 2013. That aspect of the complaint is defective.

Unfair labor practice complaints must be filed within six months of the alleged violation. RCW 41.56.160(1)(statute). Although statements of facts may refer to occurrences outside of the six month period, that information is considered background, and any untimely claims are not subject to remedial action by the Commission. In the present case, the employer filed the complaint on May 9, 2014; thus, only those allegations occurring on or after November 9, 2013, are timely under the statute. While claims regarding the union's bargaining proposal of November 27, 2013, and the union's information request of November 13, 2013, are timely, the claim regarding the coalition bargaining proposal of August 15, 2013, is not.

NOW, THEREFORE, it is

ORDERED

1. Assuming all of the facts alleged to be true and provable, the following allegations of the complaint state a cause of action, summarized as follows:

Union refusal to bargain in violation of RCW 41.56.150(4) [and derivative interference in violation of RCW 41.56.150(1)], by breach of its good faith bargaining obligations regarding (a) its proposal of November 27, 2013, in

collective bargaining negotiations, and (b) making information requests on November 13, 2013, that are not relevant to collective bargaining negotiations or administration of the collective bargaining agreement.

Those allegations of the complaint will be the subject of further proceedings under Chapter 391-45 WAC.

Teamsters Local 589 shall:

File and serve its answer to the allegations listed in Paragraph 1 of this Order, within 21 days following the date of this Order.

An answer shall:

- a. Specifically admit, deny or explain each fact alleged in the complaint, except if a respondent states it is without knowledge of the fact, that statement will operate as a denial; and
- b. Assert any affirmative defenses that are claimed to exist in the matter.

The answer shall be filed with the Commission at its Olympia office. A copy of the answer shall be served on the attorney or principal representative of the person or organization that filed the complaint. Service shall be completed no later than the day of filing. Except for good cause shown, a failure to file an answer within the time specified, or the failure to file an answer to specifically deny or explain a fact alleged in the complaint, will be deemed to be an admission that the fact is true as alleged in the complaint, and as a waiver of a hearing as to the facts so admitted. WAC 391-45-210.

2. The allegations of the complaint concerning union refusal to bargain in violation of RCW 41.56.150(4) [and derivative interference in violation of RCW 41.56.150(1)], by breach of

its good faith bargaining obligations regarding its proposal for coalition bargaining made on August 15, 2013, are DISMISSED for failure to state a cause of action.

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

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in black ink, appearing to read "David I. Gedrose", written in a cursive style.

DAVID I. GEDROSE, Unfair Labor Practice Manager

Paragraph 2 of this order dismissing the defective allegations 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: *[Signature]*
S/ DIANE THOVSEN

CASE NUMBER: 26465-U-14-06752 FILED: 05/09/2014 FILED BY: EMPLOYER
DISPUTE: UN MULTIPLE ULP
BAR UNIT: ALL EMPLOYEES
DETAILS: -
COMMENTS:

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