

City of Vancouver, Decision 12107 (PECB, 2014)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

OFFICE AND PROFESSIONAL
EMPLOYEES INTERNATIONAL UNION,
LOCAL 11,

Complainant,

vs.

CITY OF VANCOUVER,

Respondent.

CASE 26488-U-14-6762

DECISION 12107 - PECB

ORDER OF DISMISSAL

On May 15, 2014, the Office and Professional Employees International Union, Local 11 (union) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming the City of Vancouver (employer) as respondent. The complaint was reviewed under WAC 391-45-110,¹ and a deficiency notice issued on May 29, 2014, indicated that it was not possible to conclude that a cause of action existed at that time. The union was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case.

The union 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 employer refusal to bargain in violation of RCW 41.56.140(4) [and derivative interference in violation of RCW 41.56.140(1)], by its refusal to meet and negotiate with the union over the implementation of a 2012 Market Study. 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.

The statement of facts indicates that the union wishes to bargain immediately over the implementation of the 2012 Market Study, but that the employer wishes to wait until contract negotiations at the end of 2014. A dispute over when bargaining should begin would involve interpreting either the Memorandum of Understanding concerning the Market Study, the parties' collective bargaining agreement, or possibly both. Both of those documents are contracts between the parties. The Commission does not have jurisdiction to interpret contracts, but would have jurisdiction only over a bargaining dispute under Chapter 41.56 RCW. The union must seek a remedy through the grievance and arbitration provisions of the collective bargaining agreement or through the courts.

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in Case 26488-U-14-6762 is DISMISSED for failure to state a cause of action.

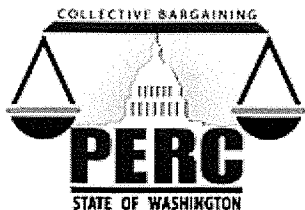
ISSUED at Olympia, Washington, this 10th day of July, 2014.

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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OLYMPIA, WASHINGTON 98504-0919

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PUBLIC EMPLOYMENT RELATIONS
COMMISSION


BY: /s/ DIANE THOVSEN

CASE NUMBER: 26488-U-14-06762
DISPUTE: ER GOOD FAITH
BAR UNIT: ALL EMPLOYEES
DETAILS: -
COMMENTS:

FILED: 05/15/2014

FILED BY: PARTY 2

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