

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

KITTITAS PUBLIC HOSPITAL  
DISTRICT 2,

Employer.

KIM STEWART,

Complainant,

vs.

INTERNATIONAL ASSOCIATION OF  
FIRE FIGHTERS, LOCAL 4880,

Respondent.

CASE 26490-U-14-6763

DECISION 12108 - PECB

ORDER OF DISMISSAL

On May 20, 2014, Kim Stewart (Stewart) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming International Association of Fire Fighters, Local 4880 (union) as respondent. The complaint was reviewed under WAC 391-45-110,<sup>1</sup> and a deficiency notice issued on May 28, 2014, indicated that it was not possible to conclude that a cause of action existed at that time. Stewart was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case.

Stewart 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 threats of reprisal or force or promises of benefit made to Stewart in

<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.

association with union activities; and union inducement of an employer to commit an unfair labor practice in violation of RCW 41.56.150(2) [and derivative interference in violation of RCW 41.56.150(1)], by requesting termination of Stewart's employment, in reprisal for union activities protected by Chapter 41.56 RCW. The employer is not a party to this complaint. The deficiency notice pointed out the procedural defect to the complaint.

WAC 391-45-050 requires complaints to contain numbered paragraphs. The statement of facts does not have numbered paragraphs, and the complaint cannot be processed in its present format. Stewart should file an amended complaint curing the defect.

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in Case 26490-U-14-6763 is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 10<sup>th</sup> 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

112 HENRY STREET NE SUITE 300  
PO BOX 40919  
OLYMPIA, WASHINGTON 98504-0919

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

### RECORD OF SERVICE - ISSUED 07/10/2014

The attached document identified as: **DECISION 12108 - 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: 26490-U-14-06763                      FILED: 05/20/2014                      FILED BY: PARTY 2  
DISPUTE: UN INTERFERENCE  
BAR UNIT: PARAMEDICS  
DETAILS: -  
COMMENTS:

EMPLOYER: KITTITAS PUB HOSP DIST 2  
ATTN: RICH ELLIOTT  
505 POWER ST  
CLE ELLUM, WA 98922  
elliotttr@kvfr.org  
Ph1: 509-201-6290

PARTY 2: KIM STEWART  
ATTN:  
1725 MLK JR WAY S  
SEATTLE, WA 98144  
kimstewart@pobox.com  
Ph1: 425-246-3201

PARTY 3: IAFF LOCAL 4880  
ATTN: RICKY WALSH  
PO BOX 5604  
WEST RICHLAND, WA 99353  
rwalsh@iaff.org  
Ph1: 509-999-3090