

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE
WORKERS, DISTRICT LODGE 160,
LOCAL 289,

Complainant,

vs.

PORT OF SEATTLE,

Respondent.

CASE 26552-U-14-6777

DECISION 12138 - PECB

ORDER OF DISMISSAL

On June 26, 2014, the International Association of Machinists and Aerospace Workers, District Lodge 160, Local 289 (union), filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming the Port of Seattle (employer) as respondent. The complaint was reviewed under WAC 391-45-110,¹ and a deficiency notice issued on July 11, 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

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.

provide relevant information requested by the union concerning collective bargaining negotiations. The deficiency notice pointed out the defects to the complaint.

The complaint alleges that in the course of negotiations over a collective bargaining agreement, the union requested relevant information from the employer related to employee cost sharing for health and welfare insurance benefits. The employer apparently responded to the union's satisfaction for all but the following two requests, as set forth in Paragraph 4.9.14b of the complaint:

- (1) the names and titles of Port officials who allegedly decided in calendar year 2007 that Unit employees and all other Port employees must begin to share the cost of their health and welfare benefits; and
- (2) copies of Port proposals concerning employees' sharing the cost of health and welfare benefits in other bargaining units.

Names of Port officials

The complaint solely concerns requests for information relative to bargaining over health and welfare benefits. The union alleges that the employer has made proposals to increase the costs of those benefits to members of the bargaining unit represented by the complainant union. The union alleges that the employer cites to a decision made in 2007 by employer officials regarding the increased costs, but that the employer has not provided the names of those officials, as requested by the union.

The identification of individual employer officials who allegedly made the cost-sharing decision seven years ago is on its face a permissive subject of bargaining. The employer must bargain in good faith regarding the reasons for its decision. If the union believes the response is not in good faith, it has the option of filing a complaint for bad faith bargaining against the employer.

Proposals to other unions

The union has demanded proposals made by the employer in its bargaining with other unions over health and welfare benefits. The union alleges that the employer refused this request by stating that it is not required to release that information. The employer is correct.

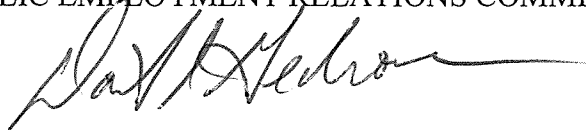
NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in Case 26552-U-14-6777 is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 15th day of August, 2014.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in black ink, appearing to read "David I. Gedrose", with a long horizontal flourish extending to the right.

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

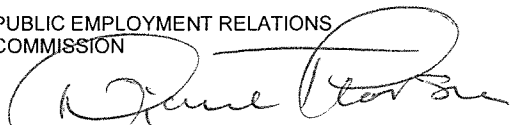
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PUBLIC EMPLOYMENT RELATIONS
 COMMISSION



BY: */s/* DIANE THOVSEN

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