

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

INTERNATIONAL ASSOCIATION OF
FIRE FIGHTERS, LOCAL 2299,

Complainant,

vs.

CITY OF CLARKSTON,

Respondent.

CASE 127616-U-15

DECISION 12469 - PECB

ORDER OF DISMISSAL

On September 22, 2015, IAFF Local 2299 (union) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming City of Clarkston (employer or City) as respondent. The complaint was reviewed under WAC 391-45-110,¹ and a deficiency notice issued on September 30, 2015, indicated that it was not possible to conclude that a cause of action existed at that time because the complaint failed to identify persons or agents acting on behalf of the employer. The complainant was given a period of 21 days in which to file and serve an amended complaint correcting the defects, or face dismissal of the case.

No further information has been filed by the complainant. The Unfair Labor Practice Manager dismisses the complaint for failure to state a cause of action.

Allegations

The allegations of the complaint concern:

Employer refusal to bargain in violation of RCW 41.56.140(4) [and if so, derivative interference in violation of RCW 41.56.140(1)] since August 1, 2015, by unilaterally implementing a new practice of limiting the use and display of the

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.

union's emblem on uniforms and equipment, which is alleged to be a mandatory subject of bargaining, without providing an opportunity for bargaining.

Need to Identify Employer Participants in Alleged Violation

The complaint makes general statements about the City's actions, but does not identify any individuals who acted on behalf of the City. The failure to identify employer officials who are alleged to have committed the unfair labor practice violations is problematic. WAC 391-45-050(2) requires the complainant to identify alleged participants. The identity of the employer officials is information that the respondent needs in order to respond to the complaint. In order to attribute an action to the employer, the complainant needs to identify who was acting on behalf of the City.

The deficiency notice informed the complainant that the deficiency could be corrected by amending the complaint to name the individual(s) alleged to have acted on behalf of the employer. The complainant did not file an amended complaint.

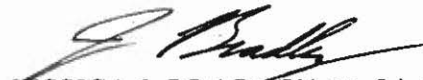
NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in the above captioned matter is DISMISSED for failure to state a cause of action attributable to the employer.

ISSUED at Olympia, Washington, this 18th day of November, 2015.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



JESSICA J. BRADLEY, Unfair Labor Practice Manager

This order 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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THOMAS W. McLANE, COMMISSIONER
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MIKE SELLARS, EXECUTIVE DIRECTOR

RECORD OF SERVICE - ISSUED 11/18/2015

DECISION 12469 - PECB has been mailed by the Public Employment Relations Commission to the parties and their representatives listed below:

BY: DEBBIE BATES

CASE NUMBER: 127616-U-15

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