

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

TEAMSTERS LOCAL 117,

Complainant,

vs.

PORT OF SEATTLE,

Respondent.

CASE 24667-U-12-6305

DECISION 11848-A - PECB

DECISION OF COMMISSION

Spencer Nathan Thal, General Counsel, for the union.

Northwest Workplace Law, P.L.L.C., by *Trish K. Murphy*, Attorney at Law, for the employer.

On March 16, 2012, Teamsters Local 117 (union) filed an unfair labor practice complaint against the Port of Seattle (employer). The union alleged that the employer discriminated against an employee when it issued a non-investigatory matter (NIM) to a bargaining unit employee to document an incident and later rescinded the NIM. The union alleged that the employer interfered with employee rights when a supervisor “changed hats” and offered a bargaining unit shop steward advice on being a shop steward. After a hearing, Examiner Emily H. Martin concluded that the employer did not discriminate and did not interfere with employee rights.¹ The union appealed.

The Commission reviews conclusions and applications of law, as well as interpretations of statutes, de novo. We review findings of fact to determine if they are supported by substantial evidence and, if so, whether those findings in turn support the Examiner’s conclusions of law. *C-Tran*, Decision 7087-B (PECB, 2002). Substantial evidence exists if the record contains

¹ *Port of Seattle*, Decision 11848 (PECB, 2013).

evidence of sufficient quantity to persuade a fair-minded, rational person of the truth of the declared premise. *C-Tran*, Decision 7087-B. The Commission attaches considerable weight to the factual findings and inferences, including credibility determinations, made by its examiners. *Cowlitz County*, Decision 7210-A (PECB, 2001).

We have reviewed the record and fully considered the arguments in this matter. The Examiner correctly stated the legal standard. Substantial evidence supports the Examiner's findings of fact. The findings of fact support the Examiner's conclusions of law. We rely upon the Examiner's credibility determination in finding that the employer did not interfere with employee rights during the conversation between the supervisor and the bargaining unit shop steward. The employer did not discriminate when it issued and rescinded the NIM. We affirm the Examiner.

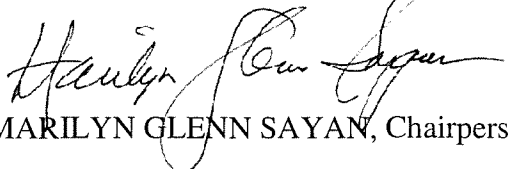
NOW, THEREFORE, it is

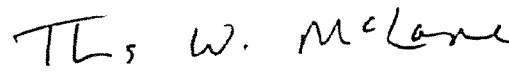
ORDERED

The Findings of Fact, Conclusions of Law, and Order issued by Examiner Emily H. Martin are AFFIRMED and adopted as the Findings of Fact, Conclusions of Law, and Order of the Commission.

ISSUED at Olympia, Washington, this 17th day of March, 2014.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


THOMAS W. McLANE, Commissioner


MARK E. BRENNAN, Commissioner



PUBLIC EMPLOYMENT RELATIONS COMMISSION

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PUBLIC EMPLOYMENT RELATIONS COMMISSION


BY: /s/ MAJEL C. BOUDIA

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