

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

LAURIE E. SISON,

Complainant,

vs.

CLOVER PARK SCHOOL DISTRICT,

Respondent.

CASE 131468-U-19

DECISION 13068 - EDUC

ORDER OF PARTIAL DISMISSAL

Laurie E. Sison, the complainant.

Rachel E. Miller and Valerie Walker, Attorneys at Law, Porter Foster Rorick LLP,
for Clover Park School District.

On April 26, 2019, Laurie Sison filed an unfair labor practice complaint with the Public Employment Relations Commission alleging that the Clover Park School District committed certain unfair labor practices. On June 12, 2019, Sison twice amended her complaint and a preliminary ruling was issued forwarding the following issue for further processing:

Employer discrimination in violation of RCW 41.59.140(1)(c) [and if so derivative interference in violation of RCW 41.59.140(1)(a)] by disciplining Laurie Sison in retaliation for her exercising protected activity.

Examiner Christopher Casillas was assigned to hear this matter. On July 16, 2019, Sison filed a motion to amend her complaint for a third time. Examiner Casillas reviewed the motion and third amended complaint under WAC 391-45-110 and determined that the amended remedy sought through the third amended complaint was germane to the original complaint and directed the employer to file an answer. Examiner Casillas also determined that certain allegations in the third amended complaint failed to state a cause of action. Sison was granted an opportunity to cure the defects in the third amended complaint.

On August 8, 2019, Sison filed a fourth amended complaint. The allegations in the fourth amended complaint alleges employer retaliated against Sison in eight separate incidents, including incidents relating to:

1. National Day of Silence/Academic Freedom attack;
2. Harassment, intimidation, bullying report and subsequent actions against me;
3. Lack of support for discipline I submitted for admin follow up;
4. Lack of support for transfer due to Post Traumatic Stress Disorder triggered by the employer;
5. Evaluation error and refusal to correct erroneous information;
6. Refusal to grant two days Bereavement when this is allowed for other union members;
7. Accommodations for disability request which has been ignored;
8. Refusal to comply with public records request.

The fourth amended complaint does not describe allegations that fit within the jurisdiction of the Commission. The Commission's jurisdiction is limited to the resolution of collective bargaining disputes between employers, employees, and unions. The agency does not have authority to resolve all disputes that might arise in public employment. *Tacoma School District (Tacoma Education Association)*, Decision 5086-A (EDUC, 1995). Just because the complaints do not state a cause of action for an unfair labor practice it does not necessarily mean the allegations involve lawful activity. It means that the issues are not matters within the purview of the Commission. *Tacoma School District (Tacoma Education Association)*, Decision 5086-A.

The Commission only has jurisdiction over hostile work environment allegations alleged to be in retaliation for protected union activity. It is an unfair labor practice for an employer to interfere with, restrain, or coerce employees in the exercise of their statutory rights. RCW 41.59.140(1)(a). An employer interferes with employee rights when an employee could reasonably perceive the employer's actions as a threat of reprisal or force, or a promise of benefit, associated with the union activity of that employee or of other employees. *Kennewick School District*, Decision 5632-A (PECB, 1996). It is also an unfair labor practice for an employer to retaliate against an employee who has filed unfair labor practice charges. RCW 41.59.140(1)(d).

None of allegations in the fourth amended complaint claim that the employer took its action against Sison for either her exercise of protected activity or in retaliation for filing an unfair labor practice

complaint. Absent such allegations, the fourth amended complaint fails to state a cause of action under chapter 41.59 RCW and must therefore be dismissed.

ORDER

The fourth complaint filed by Laurie E. Sison in the above-captioned matter is dismissed.

ISSUED at Olympia, Washington, this 17th day of September, 2019.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in blue ink, appearing to read 'Chris Casillas', is written over the printed name.

Christopher J. Casillas, Examiner

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



RECORD OF SERVICE

ISSUED ON 09/17/2019

DECISION 13068 - EDUC has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

BY: DEBBIE BATES

CASE 131468-U-19

EMPLOYER: CLOVER PARK SCHOOL DISTRICT

REP BY: DOUG KERNUT
CLOVER PARK SCHOOL DISTRICT
10903 GRAVELLY LAKE DRIVE SW
LAKEWOOD, WA 98499
supt@cloverpark.k12.wa.us

RACHEL E. MILLER
PORTER FOSTER RORICK LLP
601 UNION ST STE 800
SEATTLE, WA 98101
rachel@pfrwa.com

VALERIE WALKER
PORTER FOSTER RORICK LLP
601 UNION ST STE 800
SEATTLE, WA 98101
valerie@pfrwa.com

PARTY 2: LAURIE E. SISON

REP BY: LAURIE E. SISON
12630 SE 295TH ST
AUBURN, WA 98092
markandlaurie62@msn.com