

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

ANGELA SWINHART,

Complainant,

vs.

SUMMIT PACIFIC MEDICAL CENTER
(GRAYS HARBOR PUBLIC HOSPITAL
DISTRICT 1),

Respondent.

CASE 132438-U-20

DECISION 13165 - PECB

ORDER OF DISMISSAL

On January 2, 2020, Angela Swinhart (complainant) filed a complaint charging unfair labor practices with the Public Employment Relations Commission (PERC) under chapter 391-45 WAC, naming the Summit Pacific Medical Center, Grays Harbor Public Hospital District No. 1 (employer) as respondent. The complaint was reviewed under WAC 391-45-110,¹ and a deficiency notice was issued on January 27, 2020, indicating that it was not possible to conclude that a cause of action existed at that time. Swinhart was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case.

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

ISSUE

The complaint alleged:

Unidentified violations

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.

The complaint did not include a statement of facts with numbered paragraphs outlining the events that occurred, allegations being made by the complainant, and remedies requested. Because the complaint lacks alleged facts, the complaint does not fall within the Commission's jurisdiction.

BACKGROUND

The complaint filing form included six pages of an email string. It did not include a statement of facts explaining the alleged allegations or requested remedies.

ANALYSIS

The complaint must contain a statement of facts identifying events that occurred within the six-month statute of limitations. The requirements for filing an unfair labor practice complaint with the Public Employment Relations Commission (PERC) are contained in WAC 391-45-050. The rules require a clear and concise statement of facts constituting the alleged unfair labor practices including times, dates, places, and participants. *Whatcom County*, Decision 11500 (PECB, 2012). These detailed facts need to be included within separate numbered paragraphs. Additionally, the statement of facts must include the remedy sought by the complainant. The complaint must also be signed by the charging party. The complainant cannot rely on the content of attached documents or exhibits at the preliminary review stage of the proceedings. *King County*, Decision 10778 (PECB, 2010). The attachments are not considered evidence until introduced at hearing. *Id.*

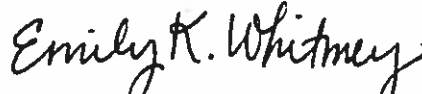
Swinhart did not include a statement of facts when she filed the complaint. The attached document does not explain the facts that occurred, the dates on which events occurred, is not in numbered paragraphs, and lacks a requested remedy. Swinhart did not file an amended complaint to correct the defects. Thus the complaint must be dismissed.

ORDER

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

ISSUED at Olympia, Washington, this 5th day of March, 2020.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Handwritten signature of Emily K. Whitney in cursive script.

EMILY K. WHITNEY, Unfair Labor Practice Administrator

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 03/05/2020

DECISION 13165 - PECB 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 132438-U-20

EMPLOYER: GRAYS HARBOR PUBLIC HOSPITAL DISTRICT 1

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