

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

RENEE NELSON,

Complainant,

vs.

ONALASKA SCHOOL DISTRICT,

Respondent.

CASE 133106-U-20

DECISION 13280 - EDUC

ORDER OF DISMISSAL

*Renee Nelson*, the complainant.

*Jeff Davis*, Superintendent, for the Onalaska School District.

On October 22, 2020, Renee Nelson (complainant) filed an unfair labor practice complaint against the Onalaska School District (employer). The complaint was reviewed under WAC 391-45-110.<sup>1</sup> A deficiency notice issued on November 12, 2020, notified the complainant that a cause of action could not be found at that time. The complainant was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case. On December 3, 2020, the complainant was granted a one week extension to file an amended complaint.

On December 10, 2020, the complainant filed an amended complaint. The Unfair Labor Practice Administrator dismisses the amended complaint for timeliness and failure to state a cause of action.

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<sup>1</sup> At this stage of the proceedings, all of the facts alleged in the complaint or amended 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.

ISSUE

The amended complaint does not allege unfair labor practice violations against the employer.

Because the amended complaint lacks facts alleging an employer unfair labor practice violation, the amended complaint, as it relates to case 133106-U-20 is dismissed.

ANALYSIS

In the original complaint filed, the complainant alleged the employer committed a *Weingarten* right violation and other violations outside the Commission's jurisdiction. The complainant filed an amended complaint. The amended complaint referenced both cases 133106-U-20 (against the employer) and 133107-U-20 (against the union).

The complaint does not describe any employer violations within the Commission's jurisdiction. 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

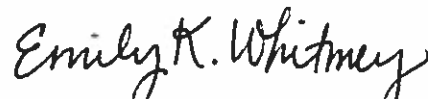
The amended complaint includes allegations that the union committed a violation, but does not include allegations against the employer. Because the complaint does not include allegations against the employer, case 133106-U-20 must be dismissed.

ORDER

The amended 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 22nd day of December, 2020.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Handwritten signature of Emily K. Whitney in black ink.

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

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ISSUED ON 12/22/2020

DECISION 13280 - 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 133106-U-20

EMPLOYER: ONALASKA SCHOOL DISTRICT

REP BY: JEFF DAVIS  
ONALASKA SCHOOL DISTRICT  
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ONALASKA, WA 98570-9654  
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PARTY 2: RENEE NELSON

REP BY: RENEE NELSON  
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