

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

SNOHOMISH COUNTY,

Employer.

SHARI SIGH,

Complainant,

vs.

SNOHOMISH COUNTY CORRECTIONS
GUILD,

Respondent.

CASE 134313-U-21

DECISION 13403 - PECB

ORDER OF DISMISSAL

Shari Sigh, the complainant.

Chuck Carrell, President, for the Snohomish County Corrections Guild.

On July 1, 2021, Shari Sigh (complainant) filed an unfair labor practice complaint against the Snohomish County Corrections Guild (union). The complaint was reviewed under WAC 391-45-110.¹ A deficiency notice issued on July 22, 2021, notified Sigh that a cause of action could not be found at that time. Sigh 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 Sigh. The Unfair Labor Practice Administrator dismisses the complaint for failure to state a cause of action.

¹ 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 complaint alleges the following:

Violations of internal union business or processes.

The complaint is dismissed for failure to describe facts that could constitute a violation within the Commission's jurisdiction.

BACKGROUND

Shari Sigh is a Corrections Officer/Deputy in Snohomish County (employer) and is represented by the Snohomish County Corrections Guild (union).

In January 2021, the union held an election for the following guild board positions: President, Second Vice President, Secretary, and Treasurer. Allegedly Deputy Chuck Carrell implied that the ballots would be sabotaged. The incumbent President and Secretary made accommodations to satisfy Carrell's concerns.

On January 18, 2021, the ballots were counted. Deputy Carrell was elected President, Deputy Blankenship was elected Second Vice President, and Deputy Cooper was elected as Treasurer. First Vice President Deputy Haugstad and Secretary Deputy Dunlap were not up for election, so they remained on the guild board.

The President immediately set up labor management meetings. The meetings were allegedly scheduled to dissuade First Vice President Deputy Haugstad and Secretary Deputy Dunlap from participating. Additionally Deputy Henry, who was not on the guild board, was included in the labor management meetings. President Deputy Carrell allegedly changed the password to the guild board email account and would not give the new password to First Vice President Deputy Haugstad and Secretary Deputy Dunlap. On an unidentified date First Vice President Deputy Haugstad resigned from the First Vice President position. Deputy Henry was then placed into the First Vice President position by President Deputy Carrell.

On June 14, 2021, Sigh submitted a grievance. Deputy Carrell responded to the grievance.

ANALYSIS

Numbered Paragraphs

Complainants must number the paragraphs in the attached statement of facts. In this case, Sigh did not number each of the paragraphs in the statement of facts. Sign did not file an amended complaint with numbered paragraphs. The requirements for filing a complaint charging unfair labor practices (ULP) are described in WAC 391-45-050. Numbering paragraphs is important to allow the respondent to reference specific allegations within the complaint when filing an answer.

Individual Employee Standing to File a Complaint

An individual may only pursue an unfair labor practice that occurs to him or her. The complainant must be affected by the complained of action in order to state a claim. In *Seattle School District (Seattle Education Association)*, Decision 5774 (EDUC, 1996), where an employee purported to file a complaint on behalf of herself and other employees, the Commission's unfair labor practice manager dismissed the complaint stating that "individual employees have legal standing only to file and pursue complaints asserting their own rights." Other complaints in this vein have likewise been dismissed at the preliminary ruling stage. *C-TRAN*, Decision 4005 (PECB, 1992); *Enumclaw School District (PSE of Washington)*, Decision 5979 (PECB, 1997); *Tacoma School District (Tacoma Education Association)*, Decision 6070 (EDUC, 1997); *City of Bellingham*, Decision 6951 (PECB, 2000). Many of the facts in the complaint relate to people other than Sigh. Sigh did not file an amended complaint alleging any additional violations.

Allegation Outside Jurisdiction

The 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 complaint does 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.

Chapter 41.56 RCW regulates relationships between employers and employees, and regulates relationships between employers and the organizations representing their employees, but does very little in the arena of regulating the internal affairs of labor organizations. How the union conducted its internal voting appears to be a matter of internal union affairs. The Commission has declined to assert jurisdiction to regulate the internal affairs of unions in the absence of any specific authority to do so under chapter 41.56 RCW. *Lewis County*, Decision 464-A (PECB, 1978); *King County*, Decision 4253 (PECB, 1992). The union's administration of its internal elections or processes is a matter of the union's own creation. Disputes concerning such violations are beyond the jurisdiction of the Commission and must be resolved through internal union procedures or the courts. *Community College District 8 - Bellevue (Bellevue Community College Association of Higher Education)*, Decision 10032 (CCOL, 2008) (citing *Seattle School District*, Decision 9359-A (EDUC, 2007)).

The complaint alleges violations of the internal union board election and the actions of the union president. The complaint also lists the types of violations an employee can file against a union, but does not include any facts related to those types of violations. The Commission does not have jurisdiction over the alleged violations in the complaint. Sigh did not file an amended complaint correcting the deficiencies and 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 9th day of September, 2021.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


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 09/09/2021

DECISION 13403 - 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 134313-U-21

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