

*Washington State Individual Providers (Service Employees International Union Local 775),
Decision 13330-A (PECB, 2021)*

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

JEFF L. SANDAINE, Complainant, vs. WASHINGTON STATE INDIVIDUAL PROVIDERS, Respondent.	CASE 133353-U-21 DECISION 13330-A - PECB DECISION OF COMMISSION
JEFF L. SANDAINE, Complainant, vs. SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 775, Respondent.	CASE 133354-U-21 DECISION 13331-A - PECB DECISION OF COMMISSION

Jeff L. Sandaine, the complainant.

M. Kate Garcia, Assistant Attorney General, Attorney General Robert W. Ferguson, for Washington State Individual Providers.

Darin M. Dalmat, Attorney at Law, Barnard Iglitzin & Lavitt LLP, for Service Employees International Union Local 775.

On February 19, 2021, Jeff Sandaine (complainant) filed unfair labor practice complaints against Washington State Individual Providers (employer) and the Service Employees International Union Local 775 (union). The allegations of the complaints concern events that occurred from 2016–18. On March 9, 2021, Unfair Labor Practice Administrator Dario de la Rosa (Administrator) issued a deficiency notice. The deficiency notice explained that events occurring before August 19, 2020, were untimely, that the allegations are not within the agency’s jurisdiction, and that the agency does not resolve contract violations.

On March 19, 2021, the complainant filed an amended unfair labor practice complaint. On April 6, 2021, the Administrator dismissed the complaints and amended complaint because the allegations were not within the agency's jurisdiction. *Washington State Individual Providers*, Decision 13330 (PECB, 2021).

On April 26, 2021, the complainant filed a timely notice of appeal. The complainant filed an appeal brief. The employer filed a response brief. The union did not file a brief.

The issue before the Commission is whether the facts, as alleged, are sufficient to state a cause of action.

An unfair labor practice complaint is reviewed under WAC 391-45-110 to determine whether the facts, as alleged, state a cause of action under chapter 41.56 RCW. All alleged facts are assumed true and provable. *Whatcom County*, Decision 8245-A (PECB, 2004).

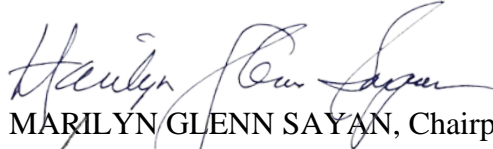
We reviewed the complaints. The complaints do not state a cause of action under the statutes administered by the Commission.

ORDER

The Order of Dismissal issued by the Administrator is AFFIRMED.

ISSUED at Olympia, Washington, this 3rd day of December, 2021.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARILYN GLENN SAYAN, Chairperson



MARK BUSTO, Commissioner



KENNETH J. PEDERSEN, Commissioner

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under RCW 34.05.542.



RECORD OF SERVICE

ISSUED ON 12/03/2021

DECISION 13330-A- PECB has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

BY: AMY RIGGS

CASE 133353-U-21

EMPLOYER: WASHINGTON STATE INDIVIDUAL PROVIDERS

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RECORD OF SERVICE

ISSUED ON 12/03/2021

DECISION 13331-A - PECB has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

BY: AMY RIGGS

CASE 133354-U-21

EMPLOYER: WASHINGTON STATE INDIVIDUAL PROVIDERS

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