

Walla Walla School District (*Public School Employees of Washington*, Decision 13567 (PECB, 2022))

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

WALLA WALLA SCHOOL DISTRICT, Complainant, vs. YVONNE HUFF, Respondent.	CASE 135252-U-22 DECISION 13567 - PECB ORDER OF DISMISSAL
PUBLIC SCHOOL EMPLOYEES OF WASHINGTON, Complainant, vs. YVONNE HUFF, Respondent.	CASE 135253-U-22 DECISION 13568 - PECB ORDER OF DISMISSAL

Yvonne Huff, the complainant.

Wade Smith, Superintendent, for the Walla Walla School District.

Paul E. Clay, Attorney at Law, Stevens Clay, PS, for Public School Employees of Washington.

On July 1, 2022, Yvonne Huff (complainant) filed an unfair labor practice complaint against the Walla Walla School District (employer) case 135252-U-22 and against the Public School Employees of Washington (union) case 135253-U-22. On July 11, 2022, Huff filed amended

complaints. The complaints and amended complaints were reviewed under WAC 391-45-110.¹ Deficiency notices issued on July 27, 2022, notified Huff that a cause of action could not be found at that time. Huff was given a period of 21 days in which to file and serve a second amended complaint or face dismissal of the case.

On August 16, 2022, Huff filed second amended complaints with several attached emails and documents. The Unfair Labor Practice Administrator dismisses the second amended complaints for failure to state a cause of action. Because the complaints concern similar parties and similar allegations they are being consolidated.

ISSUES

The second amended complaints allege the following:

General retaliation against the employer.

Unidentified violations against the union.

The second amended complaints are dismissed because they lack facts necessary to allege a violation within the Commission's jurisdiction.

BACKGROUND

Huff is a Head Custodian in the Walla Walla School District (employer) and represented by the Public School Employees of Washington (union). The second amended complaints included a summary of allegations and attached documentation. On unidentified dates Huff alleges that the employer treated Huff differently than other employees. The employer allegedly denies any

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.

wrongdoing. The second amended complaints allege Huff is a target because Huff has used unidentified state laws and workplace policies related to safety issues. On November 23, 2021, Huff allegedly got in trouble for making a report on the Safe Schools reporting system. Between April 4 and August 17, of an unidentified year, Huff allegedly had various communications with the employer. The employer's response was allegedly abrasive toward Huff. Allegedly on August 19, 2022, an employer representative told Huff the employer was trying to get rid of Huff because Huff was a whistleblower.

The second amended complaints do not include a statement of facts alleging violations against the union.

ANALYSIS

Allegations Outside PERC's Jurisdiction

Applicable Legal Standard

The requirements for filing a complaint charging unfair labor practices (ULP) are described in WAC 391-45-050. Complaints must contain a statement of facts with numbered paragraphs. The statement of facts should include the times, dates, places, and participants in occurrences. The second amended complaints do 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.

Application of Standard

The second amended complaints allege the employer treated Huff differently than other employees, that the employer had abrasive communications with Huff, and that the employer was allegedly trying to get rid of Huff because Huff was a whistleblower. The second amended

complaint does not include alleged violations against the union. The Public Employment Relations Commission does not have authority over Whistleblower Protection laws. The Washington State Human Rights Commission has jurisdiction over whistleblower workplace reprisal or retaliatory action. Because the Commission does not have jurisdiction over the alleged violations, the second amended complaints must be dismissed.

ORDER

The second amended complaints charging unfair labor practices in the above-captioned matters are DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 22nd day of September, 2022.

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 09/22/2022

DECISION 13567 - PECB and 13568 - 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

CASES 135252-U-22 and 135253-U-22

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