

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

GILA BURTON-CURL,

Complainant,

vs.

SEATTLE COLLEGES,

Respondent.

CASE 137826-U-23

DECISION 13762 - CCOL

ORDER OF DISMISSAL

Gila Burton-Curl, complainant.

Jennifer Dixon, Vice Chancellor, Human Resources, for the Seattle Colleges.

On October 30, 2023, Gila Burton-Curl (complainant) filed an unfair labor practice complaint against the Seattle Colleges (employer). The complaint was reviewed under WAC 391-45-110.¹ A deficiency notice issued on November 14, 2023, notified the complainant that a cause of action could not be found at that time because the complaint did not contain a statement of facts. Burton-Curl 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 Burton-Curl.

ISSUE

The complaint alleges the following:

Unidentified allegations against the employer.

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.

The complaint did not include a statement of facts. The agency provided Burton-Curl an opportunity to file an amended complaint alleging violations within the Commission's jurisdiction. Because Burton-Curl failed to file an amended complaint with a statement of facts alleging violations within the Commission's jurisdiction, the complaint must be dismissed.

ANALYSIS

Applicable Legal Standards

Timeliness

There is a six-month statute of limitations for unfair labor practice complaints. "[A] complaint shall not be processed for any unfair labor practice occurring more than six months before the filing of the complaint with the commission." RCW 28B.52.065. The six-month statute of limitations begins to run when the complainant knows or should know of the violation. *City of Bellevue*, Decision 9343-A (PECB, 2007) (citing *City of Bremerton*, Decision 7739-A (PECB, 2003)). The start of the six-month period, also called the triggering event, occurs when a potential complainant has "actual or constructive notice of" the complained-of action. *Emergency Dispatch Center*, Decision 3255-B (PECB, 1990).

Clear Statement of Facts Required

Complaints must contain a statement of facts with numbered paragraphs. WAC 391-45-050. The statement of facts should include the times, dates, places, and participants in occurrences.

Application of Standards

Burton-Curl's complaint must be dismissed because she failed to submit a detailed statement of facts that explained her complaint against the employer. Burton-Curl filed her complaint on October 30, 2023. For the complaint to be timely filed, the complaint needed to allege facts that occurred on or after April 30, 2023.

Burton-Curl did not include a statement of facts with her complaint. The complainant only submitted a PERC complaint form; a page of Google sites; a June 22, 2023, letter from Jennifer Dixon to the EEOC; an undated information request; a January 17, 2019, DSHS letter from Megan

Grundbrecher; an undated Faculty Portal links document; an undated letter to Burton-Curl from Eileen Jimenez concerning Fall 2023 quarter work; a September 25, 2023, reasonable accommodation request; a September 27, 2023, telecommute plan; a September 26, 2023, Accommodation request; a college and contact document; an undated incident report; and a June 23, 2023, EEOC response. Absent a statement of facts that explained how these documents constituted an unfair labor practice under chapter 28B.52 RCW, the complaint must be dismissed.

ORDER

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

ISSUED at Olympia, Washington, this 19th day of December, 2023.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



DARIO DE LA ROSA, 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 12/19/2023

DECISION 13762 - CCOL 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 137826-U-23

EMPLOYER: SEATTLE COLLEGES

REP BY: JENNIFER DIXON
SEATTLE COLLEGES
1500 HARVARD AVE
SEATTLE, WA 98122
jennifer.dixon@seattlecolleges.edu

PARTY 2: GILA BURTON-CURL

REP BY: GILA BURTON-CURL
24271 229TH AVE SE
MAPLE VALLEY, WA 98038
gkcurl99@gmail.com