

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

CITY OF SEATTLE,		
	Employer.	
JEFFERY VALE,		
	Complainant,	CASE 138174-U-24
vs.		DECISION 13802 - PECB
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 27,		ORDER OF DISMISSAL
	Respondent.	

Nathan Arnold, Attorney at Law, Arnold & Jacobowitz PLLC, for Jeffery Vale.

Alex J. Skalbania, Attorney at Law, Skalbania & Vinnedge, PSC, for the City of Seattle.

On January 22, 2024, Jeffery Vale (complainant) filed an unfair labor practice complaint against the International Association of Fire Fighters Local 27 (union). The complaint was reviewed under WAC 391-45-110.¹ A deficiency notice issued on February 9, 2024, notified Vale that a cause of action could not be found at that time because Vale failed to include a statement of facts with his complaint. Vale was given a period of 21 days in which to file and serve an amended complaint

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.

that included facts asserting an unfair labor practice within this Commission's jurisdiction or face dismissal of the case. No further information has been filed by Vale.

ISSUE

The complaint alleges the following:

Unidentified unfair labor practices

The complaint did not include a statement of facts. The agency provided Vale an opportunity to file an amended complaint alleging violations within the Commission's jurisdiction. Because Vale 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

Unlike the National Labor Relations Board, this agency does not investigate facts which are alleged in a complaint to determine if any collective bargaining statute has been violated. The complainant is responsible for the presentation of its case. *See* WAC 391-45-270. The requirements for the contents of the complaint are explained 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.

There is also 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 41.56.160(1). 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).

Application of Standards

Vale’s complaint must be dismissed because he failed to submit a detailed statement of facts that explained his complaint against the union. Vale filed his complaint on January 22, 2024. For the complaint to be timely filed, the complaint needed to allege facts that occurred on or after July 22, 2023.

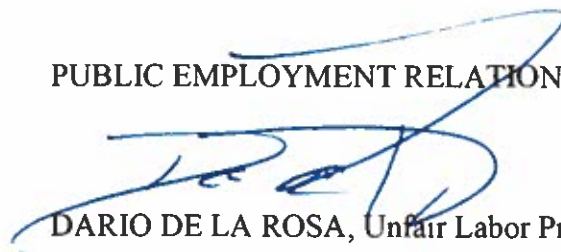
Vale did not include a statement of facts with the complaint. The complainant only submitted an arbitration award dated January 12, 2024. Absent a statement of facts that explained how this document constituted an unfair labor practice under chapter 41.56 RCW, the complaint must be dismissed.

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 14th day of March, 2024.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in blue ink, appearing to read 'Dario de la Rosa', is written over the printed name.

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 03/14/2024

DECISION 13802 - 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 138174-U-24

EMPLOYER: CITY OF SEATTLE

REP BY: DEBORAH FIANDER
CITY OF SEATTLE
701 FIFTH AVE STE 2050
SEATTLE, WA 98104-7095
deborah.fiander@seattle.gov

PARTY 2: JEFFERY VALE

REP BY: JEFFERY VALE
info@iaff27.org

NATHAN ARNOLD
ARNOLD & JACOBOWITZ PLLC
8201 164TH AVE NE STE 200
REDMOND, WA 98052
nathan@cajlawyers.com

PARTY 3: IAFF LOCAL 27

REP BY: ALEX J. SKALBANIA
SKALBANIA & VINNEDGE, PSC
3600 15TH AVE W STE 100
SEATTLE, WA 98119-1330
askalbania@aol.com