

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

WASHINGTON TECHNOLOGY SOLUTIONS,	Employer.	
RYAN BARNACASCEL,	Complainant,	CASE 139004-U-24
vs.		DECISION 13880 - PSRA
WASHINGTON FEDERATION OF STATE EMPLOYEES,	Respondent.	ORDER OF DISMISSAL

*Ryan Barnacascel*, the complainant.

*Herb Harris*, Manager of PERC Activities, for the Washington Federation of State Employees.

On May 15, 2024, Ryan Barnacascel (complainant) filed an unfair labor practice complaint against the Washington Federation of State Employees (union). The complaint was reviewed under WAC 391-45-110.<sup>1</sup> A deficiency notice issued on May 23, 2024, notified Barnacascel that a cause of action could not be found at that time. Barnacascel was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case.

<sup>1</sup> 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.

No further information has been filed by Barnacascel. The Unfair Labor Practice Administrator dismisses the complaint for failure to state a cause of action.

### ISSUE

The complaint alleges the following:

Constitutional violations

No further information has been filed by Barnacascel. The complaint is dismissed for failure to state a cause of action.

### BACKGROUND

Ryan Barnacascel is a SDC Technician for Washington Technology Solutions who has been a member of the union since April 14, 2018. On April 24, 2024, Barnacascel resigned, verbally and in writing, his membership in the union. Barnacascel also submitted a request to cancel his dues payroll deduction. The employer was copied on both the resignation from the union and the cancellation of the payroll deduction authorization. On May 15, 2024, the union notified Barnacascel that the payroll deduction would cease on April 14, 2025, pursuant to the dues deduction authorization he signed with the union.

### ANALYSIS

#### Applicable Legal Standard

The Commission's jurisdiction is limited by the authority granted to it by the legislature. *Local 2916, International Association of Fire Fighters. v. Public Employment Relations Commission*, 128 Wn.2d 375 (1996). PERC's authority to prevent unfair labor practices with respect to dues deduction is limited by RCW 41.80.110 to rights guaranteed by statutes only. *Id.*

RCW 41.80.100 addresses dues deductions for state employees. It provides that any revocation of an authorization for payroll deduction of dues must be in accordance with the terms and conditions of the authorization. The employer shall rely on the information provided by the exclusive bargaining representative regarding authorization and revocation of the payroll deduction. *Id.*

Application of Standard

The complainant, who is covered by chapter 41.80 RCW, does not allege a violation of chapter 41.80 or any other statute under PERC's jurisdiction. Rather, Barnacascel alleges that the union has violated his constitutional rights as set forth in *Janus v. AFSCME, Local 31*, 138 S. Ct. 2448 (2018). PERC does not have jurisdiction to resolve alleged constitutional violations. *Local 2916, International Association of Fire Fighters* 128 Wn.2d 375; *In Re: WAC 391-55-010* (October 27, 2004); *City of Orting*, Decision 7959-A (PECB, 2003).

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 18th day of June, 2024.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MIKE SELLARS, Executive Director

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 06/18/2024

DECISION 13880 - PSRA 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 139004-U-24

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