

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

DANIEL VARGAS,

Complainant,

vs.

YAKIMA SCHOOL DISTRICT,

Respondent.

CASE 141466-U-24

DECISION 14037 - EDUC

ORDER OF DISMISSAL

Daniel Vargas, the Complainant.

Trevor Greene, Superintendent, for the Yakima School District.

On November 12, 2024, Daniel Vargas (complainant) filed an unfair labor practice complaint against the Yakima School District (employer). The complaint was reviewed under WAC 391-45-110.¹ A deficiency notice issued on December 11, 2024, notified Vargas that a cause of action could not be found at that time. Vargas 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 Vargas. The Unfair Labor Practice Administrator dismisses the complaint for failure to state a cause of action.

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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.

ISSUES

The complaint alleges the following:

Witness intimidation, witness tampering, extortion, blackmail, conspiracy to commit witness tampering, conspiracy to obstruct justice, conspiracy to interrupt an official proceeding and obstruction of justice.

The complaint is dismissed for failure to state a cause of action. The complaint does not allege violations that can be filed with the Commission. The complainant was provided with an opportunity to file and serve an amended complaint. No additional information has been filed by the complainant.

BACKGROUND

Daniel Vargas was a substitute teacher at Yakima School District (employer). There are no facts alleged in the complaint that Vargas was a member of a union, and no labor organization was identified as representing Vargas.

The complaint appears to be slide documents with attached evidence. Some of the slides included a summary of some facts. Vargas was hired as a substitute teacher for the employer in January 2022. On September 11, 2024, Vargas filed a protection order against a security officer at Davis High School. On September 16, 2024, Vargas notified the employer about the protection order filing. On September 17, 2024, the protection order was delivered to the security officer.

On September 18, 2024, Vargas was allegedly banned from subbing in middle schools and high schools in the district.

During a protection order hearing on September 25, 2024, the protection order was denied by the court.

On October 2, 2024, Vargas was allegedly suspended/fired.

ANALYSIS

Statement of Facts

Applicable Legal Standard

The role of PERC is to resolve labor relations disputes between unions, employers, and on occasion individual employees. When a complaint is filed with the agency, PERC does not investigate the filing party's claim. Rather, agency staff will review the complaint and statement of facts to determine if it states a cause of action. If it states a cause of action, the case will be forwarded to a PERC hearing examiner who serves as an administrative law judge. When an individual employee files a complaint with PERC, the individual takes on the responsibility for presenting their case before the agency (although the individual may hire an attorney to represent them).

A complaint must comply with the agency's filing rule, WAC 391-45-050. The complaint must contain a statement of facts with *numbered paragraphs*. The statement of facts should include:

- Specific allegations that constitute a violation of state law and required elements. For a list of types of violations that may be raised before PERC and the required elements please visit: <https://perc.wa.gov/ulp-employee-filing/>;
- Times, dates, and places of occurrences and the names of the participants in a chronological order that explains the alleged unfair labor practice;
- Whether a related grievance has been filed and its status. If you do not know if a grievance has been filed, please indicate so;
- A description of the remedies requested.

Complainants must allege facts addressing the basic elements of a cause of action. *Kitsap County*, Decision 12022-A (PECB, 2014). A complainant must describe the facts with sufficient clarity for agency staff to determine whether a cause of action exists "and then sufficient to put the respondent on notice of the charges that it will be expected to" defend against. *Thurston Fire District 3*, Decision 3830 (PECB, 1991). Thus, for example, those facts must include the time, place, date, and participants in all occurrences. WAC 391-45-050(2)(a). The agency staff reviewing the

complaint are not empowered “to fill in gaps in a complaint.” *City of Tacoma*, Decision 4053-B (PECB, 1992); *South Whidbey School District*, Decision 10880-A (EDUC, 2011) (citing *Jefferson Transit Authority*, Decision 5928 (PECB, 1997)). In other words, a complainant must connect the dots by alleging sufficient facts that would support finding a violation and identifying the violation alleged.

These requirements are necessary to put the respondent on notice of the alleged unfair labor practice and to allow the respondent to reference specific allegations within the complaint when filing an answer.

Finally, it is worth noting that PERC’s jurisdiction is limited to labor relations disputes. The agency does not have authority to resolve all disputes that might arise in public employment, such as allegations that an employer discriminated against an employee because of race, national origin and/or ethnicity, sex, color, or disability. Just because the complaint does 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 PERC. *Tacoma School District (Tacoma Education Association)*, Decision 5086-A (EDUC, 1995).

Application of Standard

In this case, Vargas submitted a document that did include events with the identification of some dates. The complaint alleges the following violations: Witness intimidation, witness tampering, extortion, blackmail, conspiracy to commit witness tampering, conspiracy to obstruct justice, conspiracy to interrupt an official proceeding and obstruction of justice. The complaint does not allege violations the Commission can authority to remedy. Additionally, the complaint did not include facts involving violations related to labor relations disputes.

Vargas was provided with an opportunity to file and serve an amended complaint. No additional information has been filed by Vargas. Because the deficiencies were not corrected, and the complaint lacks facts necessary to allege violations that can be filed with PERC, 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 3rd day of February, 2025.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in blue ink that reads "Emily K. Whitney". The signature is written in a cursive, flowing style.

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 02/03/2025

DECISION 14037 - EDUC 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 141466-U-24

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