

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

JERILEE ELLIS,

Complainant,

vs.

WASHINGTON STATE DEPARTMENT OF
SOCIAL AND HEALTH SERVICES,

Respondent.

CASE 143192-U-25

DECISION 14173 - PSRA

ORDER OF DISMISSAL

Jerilee Ellis, the complainant.

Gina L. Comeau, Interim Labor Relations Manager, Office of Financial Management for the Washington State Department of Social and Health Services.

On June 2, 2025, Jerilee Ellis (complainant) filed an unfair labor practice complaint against the Washington State Department of Social and Health Services (employer). The complaint was reviewed under WAC 391-45-110.¹ A deficiency notice issued on June 20, 2025, notified Ellis that a cause of action could not be found at that time. Ellis 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 Ellis. The Unfair Labor Practice Administrator dismisses the complaint for timeliness and failure to state a cause of action.

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.

ISSUE

The complaint alleges the following:

No violations

The complaint is dismissed for timeliness and failure state a claim. Ellis does not allege any facts against the employer that state a cause of action.

BACKGROUND

Jerilee Ellis filed this complaint as well as a complaint against the Washington Federation of State Employees (Case 143191-U-25). Ellis' complaint against the Washington Federation of State Employees involves claims of a violation of the duty of fair representation. Ellis submitted the same statement of facts for both cases. The statement of facts contains no facts or allegations against the employer.

ANALYSISApplicable Legal Standard*PERC Timeliness and Filing Requirements*

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 to determine if it states a cause of action and if it does 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, that individual takes on the responsibility for presenting their case before the agency (although the individual may hire an attorney to represent them).

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 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).

In unfair labor practice proceedings before the Commission, the ultimate burdens of pleading, prosecution, and proof lie with the complainant. *State – Office of the Governor*, Decision 10948-A (PSRA, 2011) (*citing City of Seattle*, Decision 8313-B (PECB, 2004)). To meet their obligation, 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;

- 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;
- A description of the remedies requested.

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.

Application of Standard

The statement of facts filed with the original complaint does not include any facts or any alleged violations by the employer within six months of the date the complaint was filed. Ellis’ statement of facts articulates issues she was having with her employer, but the complaint focuses on the union’s representation of Ellis. Moreover, all those issues occurred prior to November 12, 2024, or six months from the date the complaint was filed. Ellis was given the opportunity to amend the complaint against the employer but did not do so. Accordingly, the complaint is dismissed for timeliness and failure to state a cause of action.

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 25th day of July, 2025.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in black ink, appearing to read "M. Sellars", is written over the printed name.

MICHAEL P. 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 7/25/2025

DECISION 14173- PSRA has been served electronically by the Public Employment Relations Commission to the parties and their representatives listed below. If no email address was provided, a paper copy was sent to the mailing address.

BY: DEBBIE BATES

CASE 143192-U-25

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