

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

<p>ANJELITA LONGORIA FORNARA,</p> <p>Complainant,</p> <p>vs.</p> <p>WASHINGTON STATE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES,</p> <p>Respondent.</p>	<p>CASE 141756-U-25</p> <p>DECISION 14089-A - PSRA</p> <p>DECISION OF COMMISSION</p>
<p>ANJELITA LONGORIA FORNARA,</p> <p>Complainant,</p> <p>vs.</p> <p>WASHINGTON FEDERATION OF STATE EMPLOYEES,</p> <p>Respondent.</p>	<p>CASE 141757-U-25</p> <p>DECISION 14089-A - PSRA</p> <p>DECISION OF COMMISSION</p>
<p>ANJELITA LONGORIA FORNARA,</p> <p>Complainant,</p> <p>vs.</p> <p>OFFICE AND PROFESSIONAL EMPLOYEES INTERNATIONAL UNION LOCAL 8,</p> <p>Respondent.</p>	<p>CASE 141758-U-25</p> <p>DECISION 14089-A - PSRA</p> <p>DECISION OF COMMISSION</p>

*Anjelita Longoria Fornara*, the complainant.

*Cheryl L. Wolfe*, Senior Counsel, and *Jessica M. Erickson*, Assistant Attorney General, Attorney General Nicholas W. Brown, for the Washington State Department of Children, Youth, and Families.

*Edward Earl Younglove III*, Attorney at Law, Younglove Coker & Rhodes, P.L.L.C., for the Washington Federation of State Employees.

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### SUMMARY OF DECISION

The Commission affirms the Unfair Labor Practice Administrator's decisions dismissing the unfair labor practice complaints. The complaints reallege facts that have been previously litigated, alleged and found not to state a cause of action, or are currently pending before the Public Employment Relations Commission.

### BACKGROUND

#### Procedural Background

On January 21, 2025, Anjelita Longoria Fornara filed unfair labor practice complaints against the Washington State Department of Children, Youth, and Families (DCYF), her former employer; the Washington Federation of State Employees (WFSE), the union that represented Fornara while she worked at the DCYF; and the Office and Professional Employees International Union Local 8 (OPEIU), the union that represented Fornara when she was employed by Thurston County. After reviewing the unfair labor practice complaints, the Unfair Labor Practice Administrator issued a deficiency notice explaining that Fornara's complaints realleged facts that were either previously dismissed by or currently pending before the agency. The complaints did not allege new facts occurring within the six months before she filed the complaints. Fornara was given 21 days in which to file an amended unfair labor practice complaint to cure the deficiencies.

On March 17, 2025, Fornara filed an amended unfair labor practice complaint against the DCYF, the WFSE, and the OPEIU. After reviewing the complaints, the Commission's Unfair Labor Practice Administrator rejected Fornara's arguments that the complaints were timely and dismissed the complaints because Fornara either had already litigated the facts alleged in the

January 21 and March 17, 2025, complaints or the facts were pending before agency examiners in timely filed cases.

On April 24, 2025, Fornara filed a timely appeal.

### SUMMARY OF RELATED CASES

#### Cases 26622-U-14 and 26623-U-14

On July 21, 2014, Fornara filed unfair labor practice complaints against her then-employer Thurston County and the OPEIU.<sup>1</sup> Fornara alleged the OPEIU breached its duty of fair representation. Fornara alleged the county discriminated against her for engaging in union activity. The Unfair Labor Practice Administrator<sup>2</sup> dismissed the complaints for failure to state a cause of action.

Fornara did not appeal the Order of Dismissal.

#### Case 127957-U-15

On February 25, 2016, Fornara filed an unfair labor practice complaint against her then-employer, Thurston County. Fornara alleged the county discriminated against her by issuing a two-day suspension on September 9, 2015, and terminating her employment on September 18, 2015. Fornara alleged the employer dominated the union and alleged retaliation for making workplace safety complaints and violations of the Prison Rape Elimination Act. In response to a deficiency notice, Fornara withdrew the domination allegation. On April 27, 2016, the Unfair Labor Practice Administrator issued a cause of action for employer discrimination against Fornara

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<sup>1</sup> At the time Fornara filed the 2014 unfair labor practice complaints, OPEIU Local 23 was the exclusive bargaining representative of employees working at Thurston County. As noted in Decision 14089, footnote 1, at some point OPEIU Local 8 replaced Local 23 as the exclusive bargaining representative. *Washington State Department of Children, Youth, and Families*, Decision 14089 (PSRA, 2025).

<sup>2</sup> In 2014, the position that reviewed complaints to determine if they stated a cause of action was identified as the Unfair Labor Practice Manager. The position has since been retitled Unfair Labor Practice Administrator.

for both engaging in protected activity and for filing an unfair labor practice complaint case 26622-U-14.

The agency assigned a settlement mediator to mediate the unfair labor practice case.<sup>3</sup> On November 21, 2016, Fornara agreed to a settlement and withdrew the unfair labor practice complaint against Thurston County.<sup>4</sup>

Case 128209-U-16

On May 24, 2016, Fornara filed an unfair labor practice complaint against the OPEIU. Fornara alleged the OPEIU discriminated against her by not advancing her grievances to arbitration in reprisal for filing unfair labor practice complaints. Fornara alleged the OPEIU induced the county to commit unfair labor practices that included suspending her and terminating her employment. Fornara alleged the OPEIU breached its duty of fair representation by conspiring with the county. On June 20, 2016, the Unfair Labor Practice Administrator issued a deficiency notice notifying Fornara that only the allegation that the OPEIU discriminated against Fornara stated a cause of action. In response to the deficiency notice, Fornara withdrew the deficient allegations of the complaint. On June 30, 2016, the Unfair Labor Practice Administrator issued a cause of action for union discrimination based on Fornara's allegation that the OPEIU failed to move Fornara's grievances to arbitration in reprisal for Fornara's filing an unfair labor practice complaint.

The agency conducted a hearing on April 14, 2017. During the hearing Fornara withdrew the unfair labor practice complaint. The agency closed the case.

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<sup>3</sup> Case 128351-S-16.

<sup>4</sup> Complainant's Withdrawal, November 21, 2016, case 127957-U-16. Fornara filed the document on Saturday, November 19, 2016, however, documents filed after the close of business are deemed filed the following business day. WAC 391-08-120(5).

Case 135103-U-22

On May 18, 2022, Fornara filed an unfair labor practice complaint against the DCYF that alleged the employer retaliated against Fornara for engaging in protected activity. Her complaint was found to state a cause of action. On December 19 and 20, 2022, the Examiner conducted a hearing. The Examiner concluded that Fornara did not meet the burden of proving the employer discriminated against her. *Washington State Department of Children, Youth, and Families*, Decision 13647 (PSRA, 2023).

Fornara appealed to the Commission and the Commission affirmed the Examiner's decision. *Washington State Department of Children, Youth, and Families*, Decision 13647-A (PSRA, 2023). Fornara did not appeal the decision to court.

Consolidated Case 136580-U-23c*Case 135763-U-22*

On August 30, 2022, Fornara filed an unfair labor practice complaint against the WFSE and amended it on September 2, 2022. Fornara alleged the WFSE did not advance grievances she filed to arbitration and the WFSE did not respond to her July 19, 2022, information request. In response to a deficiency notice, Fornara filed a second and a third amended complaints. In those complaints, Fornara alleged the WFSE retaliated against her for filing unfair labor practice complaints against the OPEIU. The Unfair Labor Practice Administrator issued a cause of action based on Fornara's allegation that the WFSE breached its duty of fair representation by not advancing grievances to arbitration and not responding to a request for information.

*Case 136328-U-23*

On March 22, 2023, Fornara filed another unfair labor practice complaint against the WFSE. The Unfair Labor Practice Administrator issued a cause of action based on Fornara's allegation that the WFSE retaliated against her for filing an unfair labor practice complaint.

On May 5, 2023, the agency consolidated cases 135763-U-22 and 136328-U-23 because both unfair labor practice complaints involved the same parties—Fornara and the WFSE. On September 27, 2023, the WFSE filed a motion for summary judgment. Following briefing by both

parties, the Examiner dismissed both unfair labor practice complaints. *Washington State Department of Children, Youth, and Families (Washington Federation of State Employees)*, Decision 13774 (PSRA, 2024).

Fornara filed a timely appeal. On review, the Commission affirmed the Examiner. *Washington State Department of Children, Youth, and Families (Washington Federation of State Employees)*, Decision 13774-B (PSRA, 2024).

Fornara did not timely appeal the decision to court.

Case 136327-U-23

On March 22, 2023, Fornara filed another unfair labor practice complaint against the DCYF. The Unfair Labor Practice Administrator dismissed part of the complaint for failing to state a cause of action and issued a cause of action based on Fornara's allegation of retaliation for filing an unfair labor practice complaint.

An Examiner conducted a hearing on January 9, 2024. The Examiner dismissed the unfair labor practice complaint concluding that Fornara did not meet her burden to prove that the DCYF's reasons for reducing her pay were either pre-textual or based on union animus. *Washington State Department of Children, Youth, and Families*, Decision 13876 at 9 (PSRA, 2024).

Fornara filed a timely appeal. On appeal, the Commission affirmed the Examiner. *Washington State Department of Children, Youth, and Families*, Decision 13876-C (PSRA, 2024). On November 26, 2024, Fornara filed a motion for reconsideration. The Commission denied the motion. *Washington State Department of Children, Youth, and Families*, Decision 13876-D (PSRA, 2024). Fornara filed an appeal to the Yakima County Superior Court that was subsequently denied on procedural grounds.<sup>5</sup>

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<sup>5</sup> Case No. 24-2-01965-39 (Yakima County Superior Court).

Case 138881-U-24c*Case 138047-U-23*

On December 6, 2023, Fornara filed another unfair labor practice complaint against the DCYF. Fornara alleged the DCYF discriminated against her for filing an unfair labor practice complaint. The Unfair Labor Practice Administrator issued a cause of action for employer discrimination by retaliating against Fornara for filing an unfair labor practice complaint and for exercising protected activity.

*Case 138765-U-24*

On March 12, 2024, Fornara filed another unfair labor practice complaint against the DCYF. Fornara alleged the DCYF terminated her employment in retaliation for engaging in protected activity. On April 23, 2024, the Unfair Labor Practice Administrator issued a cause of action statement for employer discrimination in retaliation for Fornara filing an unfair labor practice complaint and in retaliation for Fornara engaging in protected activity. The Unfair Labor Practice Administrator consolidated cases 138047-U-23 and 138765-U-24 into case 138881-U-24c.

A hearing in the consolidated cases was held on May 20, 2025. Fornara did not appear at the hearing. The Examiner dismissed the complaint. *Washington State Department of Children, Youth, and Families*, Decision 14191 (PSRA, 2025).<sup>6</sup>

Case 138764-U-24

On March 12, 2024, Fornara filed an unfair labor practice complaint against the WFSE. Fornara alleged the WFSE would not advance Fornara's grievances over reductions in pay, demotion, and termination. On May 2, 2024, the Unfair Labor Practice Administrator issued a cause of action statement based on those allegations that were timely filed alleging the WFSE discriminated against her for filing an unfair labor practice complaint.

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<sup>6</sup> On September 2, 2025, Fornara appealed the decision to the Yakima County Superior Court. Case No. 25-2-02674-39 (Yakima County Superior Court).

Case 138764-U-24 is currently scheduled for a hearing on November 17 through 20, 2025.

Cases 139114-U-24, 139115-U-24, 139362-U-24, and 139363-U-24

On June 10, 2024, Fornara filed an unfair labor practice complaint against the WFSE (case 139114-U-24) and another complaint against the DCYF (case 139115-U-24). Fornara alleged the DCYF terminated her employment for engaging in protected activity and alleged the WFSE breached its duty of fair representation. These complaints included alleged facts were outside of the statute of limitations and facts that had been previously litigated.

On July 16, 2024, Fornara filed another two unfair labor practice complaints against the WFSE (case 139362-U-24) and the DCYF (case 139363-U-24). In these complaints, Fornara alleged fraud, alleged collusion, alleged a breach of the collective bargaining agreement, and made legal arguments about why the cases should move forward. Fornara's factual allegations reached back to April 28, 2021.

On July 23, 2024, an Unfair Labor Practice Administrator issued a combined deficiency notice for the four cases. On August 13, 2024, Fornara filed an amended complaint. The Unfair Labor Practice Administrator dismissed the unfair labor practice complaints because neither the complaints nor the amended complaints identified new facts that were timely unfair labor practices. *Washington State Department of Children, Youth, and Families (Washington Federation of State Employees)*, Decision 13876-B (PSRA, 2024). The Unfair Labor Practice Administrator discussed the history of Fornara's filings with the agency.

Fornara appealed. The Commission affirmed the dismissal. *Washington State Department of Children, Youth, and Families (Washington Federation of State Employees)*, Decision 13876-B. Fornara appealed the dismissal to the Yakima County Superior Court.<sup>7</sup>

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<sup>7</sup> Case No. 25-2-00790-39 (Yakima County Superior Court).



### Motions for Temporary Relief

In addition to the unfair labor practice complaints, Fornara filed motions for temporary relief in cases 136327-U-23, 138047-U-23, and 136580-U-23c on March 4, 2024; and in cases 136327-U-23, 136580-U-23c, 138764-U-24, 138881-U-24c, 139114-U-24, and 139115-U-24 on June 26, 2024. The Commission denied both motions because Fornara had not met the standard for establishing that temporary relief was warranted. *Washington State Department of Children, Youth, and Families*, Decision 13819 (PSRA, 2024); *Washington State Department of Children, Youth, and Families*, Decision 13820 (PSRA, 2024); *Washington State Department of Children, Youth, and Families (Washington Federation of State Employees)*, Decision 13774-A (PSRA, 2024); *Washington State Department of Children, Youth, and Families (Washington Federation of State Employees)*, Decision 13876-A (PSRA, 2024).

## ANALYSIS

### Applicable Legal Standards

#### *Standard of Review*

In deciding whether complaints dismissed at the preliminary review stage state a cause of action, the Commission is in the same position as the Unfair Labor Practice Administrator. *Port of Everett*, Decision 12641-A (PORT, 2017). An unfair labor practice complaint is reviewed under WAC 391-45-110 to determine whether the facts, as alleged, state a cause of action in violation as outlined in chapter 41.80 RCW. At the preliminary review stage, all facts alleged are assumed true and provable. *Whatcom County*, Decision 8245-A (PECB, 2004).

#### *Equitable Tolling*

Equitable tolling of a statute of limitations in a civil suit is permitted “when (1) the plaintiff has exercised diligence, (2) the defendant’s bad faith, false assurances, or deception has interfered with the plaintiff’s diligent efforts, (3) tolling is consistent with (a) the purpose of the underlying statute and (b) the purpose of the statute of limitations, and (4) justice requires tolling the statute of limitations.” *Fowler v. Guerin*, 200 Wn.2d 110, 113 (2022) (citing *Millay v. Cam*, 135 Wn.2d 193, 206 (1998)). Equitable tolling is “an extraordinary form of relief because the rules at issue generally reflect the public policy of the state as enacted by the legislature.” *Fowler v. Guerin*, 200

Wn.2d at 118. “Equitable tolling is appropriate when it is ‘consistent with both the purpose of the statute providing the cause of action and the purpose of the statute of limitations.’” *Campeau v. Yakima HMA, LLC*, 3 Wn.3d 339 (2024) (quoting *Millay v. Cam*, 135 Wn.2d 193, 206 (1998)).

#### Application of Standards

All of the facts in the most recently filed unfair labor practice complaints that are the subject of this appeal have been ruled upon or are pending before the agency in other cases. The complaints do not state a new cause of action. Therefore, we affirm the Unfair Labor Practice Administrator’s decision dismissing the complaints.

Equitable tolling is not appropriate. There is no evidence that the DCYF, the WFSE, or the OPEIU engaged in bad faith, false assurances, or deception has interfered with Fornara’s diligent efforts to litigate the unfair labor practice complaint allegations. While Fornara alleges that the parties have conspired against her and are in collusion, stating her belief as fact is insufficient to find the DCYF, the WFSE, and the OPEIU engaged in bad faith assurances or deception that interfered with Fornara’s ability to plead her case in a timely manner.

Tolling the statute of limitations would not be consistent with the purpose of Washington’s public sector collective bargaining laws or the purpose of the statute of limitations. The purpose of Washington’s public sector collective bargaining laws is to provide a uniform and impartial “adjustment and settlement” of “disputes arising out of employer-employee relations” and “to achieve more efficient and expert administration of public labor relations administration and to thereby ensure the public of quality public services.” RCW 41.58.005(1). Fornara’s claims arise out of her employment relationship; however, all of the alleged events occurred outside of the six-month statute of limitations. Allowing untimely allegations to move forward does not achieve efficient administration of labor relations.

Justice does not require tolling of the statute of limitations. The agency has processed every timely allegation Fornara has filed, including those in currently pending cases in which her allegations will be considered. Fornara may feel as though justice has not been served because the DCYF, the WFSE, and the OPEIU have not been found to have committed the statutory violations

Fornara believes occurred. Nonetheless, the pursuit of workplace justice and efficient labor relations adjudication would not be served by allowing Fornara to advance a new legal theory on untimely claims or those previously adjudicated. Stating a suspicion as fact does not rise to the level of a violation of the law. While Fornara has worked to uncover new evidence and legal theories since the initial filing of the complaints, the underlying factual allegations remain unchanged.

### CONCLUSION

We affirm the Unfair Labor Practice Administrator's decision dismissing Fornara's complaint. The alleged facts have either been litigated to a final agency order or are currently pending before Examiners as part of timely filed complaints. The complaints do not raise new allegations that state a cause of actions.

### ORDER

The order issued by Unfair Labor Practice Administrator Dario de la Rosa is AFFIRMED.

ISSUED at Olympia, Washington, this 8th day of September, 2025.


#### PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARK LYON, Chairperson



ELIZABETH FORD, Commissioner



HENRY E. FARBER, Commissioner

This order will be the final order of the agency unless a notice of appeal is filed under RCW 34.05.542.