

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

TEAMSTERS LOCAL UNION 763,	)	
	)	
Complainant,	)	CASE 15161-U-00-3824
	)	
vs.	)	DECISION 7122 - PECB
	)	
SNOHOMISH COUNTY,	)	PARTIAL DISMISSAL AND
	)	ORDER FOR FURTHER
Respondent.	)	PROCEEDINGS
	)	
	)	

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The complaint charging unfair labor practices in the above-referenced matter was filed with the Public Employment Relations Commission on April 24, 2000, by Teamsters Local Union 763 (union). The complaint involves three allegations against Snohomish County (employer). The allegations concern: (1) Unilateral change of working conditions; (2) Refusal to provide information; and (3) Employer discrimination based on religion.

A Preliminary Ruling and Deferral Inquiry was issued for the first and second allegations of the complaint on June 14, 2000 under WAC 391-45-110<sup>1</sup>. The Preliminary Ruling and Deferral Inquiry concluded that, assuming that all of the facts alleged in the complaint are true and provable, it appears that an unfair labor practice violation could be found for these allegations. The Preliminary Ruling and Deferral Inquiry requested that the employer file an

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<sup>1</sup> At this stage of the proceedings, all of the facts alleged in the 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.

answer concerning the first and second allegations, and to specify for the first allegation whether "deferral to arbitration" is requested under City of Yakima, Decision 3564-A (PECB, 1991). On July 5, 2000, the employer filed its answer and requested deferral of the first allegation. By a separate letter of July 18, 2000, the first allegation of the complaint has been deferred to arbitration. A new case number, Case 15304-U-00-3863, has been opened to track further proceedings for this allegation.

A Deficiency Notice was issued for the third allegation of the complaint on June 14, 2000. The deficiency notice indicated that a discrimination violation can only be found under RCW 41.56.140(1) where the alleged conduct involves the exercise of collective bargaining rights guaranteed by Chapter 41.56 RCW. The deficiency notice stated that the complaint failed to contain any allegations of this nature. The deficiency notice informed the union that absent the filing and service of an amended complaint stating a cause of action within 21 days following the date of the deficiency notice, the third allegation of the complaint would be dismissed. Nothing further has been received from the union.

NOW THEREFORE, it is

ORDERED

1. Assuming all of the facts alleged to be true and provable, the first allegation of the complaint states a cause of action against the employer, summarized as follows:

Employer refusal to bargain in violation of RCW 41.56.140(4) [and derivative "interference" in violation of RCW 41.56.140(1)], by its unilateral change in reclassifying Randy Serfass without providing an opportunity for bargaining.

The first allegation of the complaint, involving unilateral change of working conditions, has been deferred to arbitration. See, Case 15304-U-00-3863.

2. Assuming all of the facts alleged to be true and provable, the second allegation of the complaint states a cause of action against the employer, summarized as follows:

Employer refusal to bargain in violation of RCW 41.56.140(4) [and derivative "interference" in violation of RCW 41.56.140(1)], by its refusal to provide relevant collective bargaining information requested by the union concerning the personnel file of Randy Serfass, a "one unit" organizational change, and a temporary employment offer.

The second allegation, involving refusal to provide information, will be the subject of further proceedings under Chapter 391-45 WAC.

3. The third allegation concerning employer discrimination based on religion under RCW 41.56.140(1) is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 19<sup>th</sup> day of July, 2000.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARK S. DOWNING, Director of Administration

Paragraph 3 of 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.