

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

CITY OF KIRKLAND,)	
)	
Employer.)	
-----)	
NEIL W. JENSEN,)	CASE 15211-U-00-3837
)	
Complainant,)	
)	DECISION 7200 - PECB
vs.)	
)	
WASHINGTON STATE COUNCIL OF COUNTY)	ORDER OF DISMISSAL
AND CITY EMPLOYEES (WSCCCE),)	
)	
Respondent.)	
)	
)	

The complaint charging unfair labor practices in the above-referenced matter was filed with the Public Employment Relations Commission by Neil W. Jensen (Jensen) on May 25, 2000. The complaint alleged that Washington State Council of County and City Employees (union) had committed an "other unfair labor practice" violation by discriminating against Jensen, a non-member of the union, in failing to afford Jensen the following rights: 1) notice of union meetings; 2) ability to attend union meetings; and 3) materials distributed concerning collective bargaining negotiations. Jensen is employed by the City of Kirkland (employer).

The complaint was reviewed under WAC 391-45-110.¹ A deficiency notice was issued on September 8, 2000, indicating that it was not possible to conclude that a cause of action existed. The deficiency notice indicated that unions have the right to exclude non-members from participation in union business, including meetings in which bargaining strategy or proposed collective

¹ At this stage of the proceedings, all facts alleged in a complaint are assumed to be true and provable. The inquiry is whether the complaint states a cause of action for unfair labor practice proceedings.

bargaining agreements are discussed. See, Pe Ell School District (Pe Ell Education Association), Decision 3801 (EDUC, 1991); Lewis County, Decision 464-A (PECB, 1978).

The complaint alleges that the union's conduct violates section 3.5 of the collective bargaining agreement between the employer and the union. The deficiency notice stated that the Public Employment Relations Commission does not assert jurisdiction to remedy violations of collective bargaining agreements through the unfair labor practice provisions of the statute. City of Walla Walla, Decision 104 (PECB, 1976). The deficiency notice advised Jensen that an amended complaint could be filed and served within 21 days following such notice, and that any materials filed as an amended complaint would be reviewed under WAC 391-45-110 to determine if they stated a cause of action. The deficiency notice further advised Jensen that in the absence of a timely amendment stating a cause of action, the complaint would be dismissed. Nothing further has been received from Jensen.

NOW THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in this matter is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 17th day of October, 2000.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARK S. DOWNING, Director of Administration

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.