

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

GARY MURRELL,	)	
	)	
Complainant,	)	CASE 14887-U-99-3751
	)	
vs.	)	DECISION 6946 - CCOL
	)	
GRAYS HARBOR COLLEGE,	)	ORDER DENYING MOTION
	)	TO MAKE COMPLAINT MORE
Respondent.	)	DEFINITE AND DETAILED
	)	
	)	

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On November 15, 1999, Gary Murrell filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, alleging that Grays Harbor College (employer) had interfered with his rights and discriminated against him, in violation of RCW 28B.52.073. The complaint was amended on November 30, 1999. A preliminary ruling was issued under WAC 391-45-110 on January 5, 2000, finding a cause of action to exist for allegations summarized as follows:

Employer interference with employee rights and discrimination, in violation of RCW 28B.52.073(1)(a) and (c), by multiple actions taken in response to and reprisal for the activities and leadership of Gary Murrell in and on behalf of the exclusive bargaining representative of the employer's academic employees, including:

1. Advising Murrell that he would no longer be eligible for an ancillary contract position and accompanying remuneration;
2. Bringing about, through a number of devices, decreased enrollments in classes taught by Murrell, with the objective of effectuating cancellation of such classes

- and the removal of Murrell as a teacher of history;
3. Removing Murrell from committee assignment other than a non-functioning committee;
  4. Questioning and delaying reimbursement of Murrell's legitimate travel expenses for over one year during the 1998-1999 period;
  5. Making threats of reprisal for Murrell's participation in union activities, and creating the impression of potential reprisals in March and May 1999;
  6. Withholding funds for a development award for Murrell and the current union president in the period between April and June 1999;
  7. Failing to assign Murrell a new office in the spring of 1998, based upon his seniority and in accord with requirements of a collective bargaining agreement;
  8. Releasing confidential information concerning Murrell's employment to a student in October of 1999.

The employer was directed to file its answer to the complaint, and the undersigned was designated to conduct further proceedings under Chapter 391-45 WAC.

On January 13, 2000, the employer filed a motion seeking to have the complaint made more definite and detailed. That motion asserts that the following aspects of the complaint are so vague, indefinite, and uncertain as to hamper the employer in answering the complaint:

1. Paragraph 1 of the complaint is challenged for a quotation without indication of the date, source and manner of recording, and for a lack of names and dates regarding other employees being denied ancillary contracts.

2. Paragraph 2A is challenged as lacking specific dates for allegations concerning alleged employer actions of altering class schedules omitting classes from the course schedule, increasing enrollment caps in some history courses, and allowing some classes with low enrollment to continue while canceling the complainant's classes.
3. Paragraph 2A is further challenged as lacking names and dates concerning allegations that the canceling of classes has been targeted against union members.
4. Paragraph 2A is further challenged as lacking names and dates concerning alleged employer actions of spreading malicious rumors about complainant's professional conduct to students.
5. Paragraph 2C is challenged as lacking dates concerning alleged employer actions of removing complainant from committees.

The employer's motion is DENIED, for the reasons set forth below, and a new deadline is established for the employer's answer.

#### DISCUSSION

One purpose of administrative adjudication under Chapter 34.05 RCW is to resolve disputes in specialized areas without all of the formalities used in the courts. The Public Employment Relations Commission has recognized expertise in the administration of state collective bargaining laws. See, most recently, Pasco Housing Authority v. PERC, \_\_\_ Wn.App \_\_\_ (Division 3, January 11, 2000). The clear purpose of a complaint and answer under Chapter 391-45 WAC is to put the agency and the parties on notice of the **issues** to

be addressed at a hearing. It is not necessary (or even desirable) for a complaint to detail the specifics of the evidence to be presented at a hearing.

The Commission staff does not "investigate" unfair labor practice allegations in a manner which would be familiar to those who practice before the National Labor Relations Board (NLRB), but WAC 391-45-110 calls for review of each complaint filed with the agency. An "assuming all of the facts alleged to be true and provable" standard is used in reviewing complaints under WAC 391-45-110. Allegations which are procedurally insufficient or fail to state a claim for relief available through unfair labor practice proceedings before the Commission are dismissed. Thus, it is the preliminary ruling letter, rather than the complaint, which establishes the scope of proceedings referred to Examiners for further proceedings under Chapter 391-45 WAC.

The first paragraph of the complaint was not found to state a cause of action. Therefore, the employer does not need to answer that material, and its motion for its clarification is without merit.

In ruling on the employer's motion in this case, it is important to note that this complainant, as an individual, does not have legal standing to file or prosecute a complaint on the behalf of any employee other than himself. The preliminary ruling quoted above does not include any allegations on behalf of other employees. Accordingly, the employer need not respond to any allegations in paragraph 2A concerning other employees, and its motion for clarification of such allegations is without merit.

The challenged portions of paragraphs 2A and 2C of the complaint involve alleged manipulating class enrollments, class cancellation

criteria, and committee assignments. All of those allegations refer to matters which the employer should be able to evaluate from its own records.

NOW, THEREFORE, it is

ORDERED

1. The employer's motion for an order requiring that the complaint be made more definite and detailed is DENIED.
2. The date for filing an answer is extended to 21 days following the date of this order.

Issued at Olympia, Washington, the 27th of January, 2000.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



VINCENT M. HELM, Examiner

# PUBLIC EMPLOYMENT RELATIONS COMMISSION

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## RECORD OF SERVICE

THE ATTACHED DOCUMENT, IDENTIFIED AS: DECISION 6946 - CCOL HAS BEEN SERVED BY THE PUBLIC EMPLOYMENT RELATIONS COMMISSION BY DEPOSIT IN THE UNITED STATES MAIL, ON THE DATE ISSUED INDICATED BELOW, POSTAGE PREPAID, ADDRESSED TO THE PARTIES AND THEIR REPRESENTATIVES LISTED IN THE DOCKET RECORDS OF THE COMMISSION AS INDICATED BELOW:

PUBLIC EMPLOYMENT RELATIONS COMMISSION

BY: /S/ *Betty Passmore*  
BETTY PASSMORE

CASE NUMBER: 14887-U-99-03751 FILED: 11/15/1999

ISSUED: 01/27/2000

FILED BY: PARTY 2 DISPUTE: ER MULTIPLE ULP

DETAILS: Er discrimination against Gary Murrell for engaging in protected activities.

### COMMENTS:

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Party # 2 GARY MURRELL

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Rep by:

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