

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

GRANT COUNTY DEPUTY SHERIFF'S)	
ASSOCIATION,)	
)	
Complainant,)	CASE 15692-U-01-3975
)	
vs.)	DECISION 7442 - PECB
)	
GRANT COUNTY,)	PARTIAL DISMISSAL AND
)	ORDER FOR FURTHER
Respondent.)	PROCEEDINGS
)	
)	

The complaint charging unfair labor practices in the above-referenced matter was filed with the Public Employment Relations Commission by the Grant County Deputy Sheriff's Association (union) on March 7, 2001. The complaint alleged that Grant County (employer) interfered with employee rights and discriminated against employees in violation of RCW 41.56.140(1), and refused to bargain in violation of RCW 41.56.140(4), by its surveillance of a November 16, 2000, union meeting through interrogation of employees concerning union business, and discipline of Frank DeTrollo for comments made at the meeting, in reprisal for union activities protected by Chapter 41.56 RCW.

The complaint was reviewed under WAC 391-45-110.¹ A deficiency notice was issued on May 14, 2001, indicating that it was not possible to conclude that a cause of action existed at that time

¹ 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.

for the allegations of employer refusal to bargain. The deficiency notice stated that the complaint failed to allege sufficient facts to support a violation of RCW 41.56.140(4).

The deficiency notice indicated that the interference and discrimination allegations of the complaint under RCW 41.56.140(1) appeared to state a cause of action, and would be the subject of a Preliminary Ruling after the union had an opportunity to respond to the deficiency notice. The deficiency notice raised an additional question for the union concerning the surveillance allegations of the complaint: Was the union alleging that the employer's conduct interfered with internal union affairs in violation of RCW 41.56.140(2)? See *Cowlitz County*, Decision 7037 (PECB, 2000); *City of Tacoma*, Decision 6793-A (PECB, 2000); and *City of Vancouver*, Decision 6732-A (PECB, 1999).

The deficiency notice advised the union 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 the union that in the absence of a timely amendment stating a cause of action, the allegations concerning employer refusal to bargain in violation of RCW 41.56.140(4) 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 interference and discrimination allegations of the complaint state a cause of action, summarized as follows:

Employer interference with employee rights and discrimination in violation of RCW 41.56.140(1), by its surveillance of a November 16, 2000, union meeting through interrogation of employees concerning union business, and discipline of Frank DeTrollo for comments made at the meeting, in reprisal for union activities protected by Chapter 41.56 RCW.

The interference and discrimination allegations of the complaint will be the subject of further proceedings under Chapter 391-45 WAC.

2. Grant County shall:

File and serve its answer to the allegations listed in paragraph 1 of this Order, within 21 days following the date of this Order.

An answer shall:

- a. Specifically admit, deny or explain each fact alleged in the complaint, except if a respondent states it is without knowledge of the fact, that statement will operate as a denial; and
- b. Assert any affirmative defenses that are claimed to exist in the matter.

The answer shall be filed with the Commission at its Olympia office. A copy of the answer shall be served on the attorney or principal representative of the person or organization that filed the complaint. Service shall be completed no later than the day of filing. Except for good cause shown, a failure to file an answer within the time specified, or the failure to

file an answer to specifically deny or explain a fact alleged in the complaint, will be deemed to be an admission that the fact is true as alleged in the complaint, and as a waiver of a hearing as to the facts so admitted. See WAC 391-45-210.

3. The allegation of the complaint concerning employer refusal to bargain in violation of RCW 41.56.140(4) is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 11th day of June, 2001.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARK S. DOWNING, Director of Administration

Paragraph 3 of this order will be the final order of the agency on any defective allegations, unless a notice of appeal is filed with the Commission under WAC 391-45-350.