

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

COMMUNITY COLLEGE DISTRICT)	
23 - EDMONDS,)	
)	
Employer.)	
-----)	
DOROTHY JANE BARNETT-PARKER,)	
)	
Complainant,)	CASE 16457-U-02-4226
)	
vs.)	DECISION 7815 - PSRA
)	
WASHINGTON PUBLIC EMPLOYEES)	
ASSOCIATION,)	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 Dorothy Jane Barnett-Parker (Barnett-Parker) on June 19, 2002. The complaint alleged that Washington Public Employees Association (union) interfered with employee rights in violation of RCW 41.56.150(1) and discriminated for filing unfair labor practice charges in violation of RCW 41.56.150(3), by intimidating Barnett-Parker from leading a decertification effort.

The complaint was reviewed under WAC 391-45-110.¹ A deficiency notice was issued on July 16, 2002, 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 union discrimination for filing unfair labor practice charges in violation of RCW 41.56.150(3). The deficiency notice stated that a violation concerning discrimination for filing unfair labor practice charges cannot stand absent evidence that the complainant has previously filed an unfair labor practice complaint with the Commission. The deficiency notice indicated that the statement of facts attached to the complaint did not contain any such factual allegations.

The deficiency notice indicated that the interference allegations of the complaint under RCW 41.56.150(1) appeared to state a cause of action, and would be assigned to an examiner for further proceedings under Chapter 391-45 WAC, after Barnett-Parker had an opportunity to respond to the deficiency notice.

The deficiency notice advised Barnett-Parker 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 Barnett-Parker that in the absence of a timely amendment stating a cause of action, the allegations concerning union discrimination for filing unfair labor practice charges in violation of RCW 41.56.150(3) would be dismissed. Nothing further has been received from Barnett-Parker.

NOW, THEREFORE, it is

ORDERED

1. Assuming all of the facts alleged to be true and provable, the interference allegations of the complaint state a cause of action, summarized as follows:

Union interference with employee rights in violation of RCW 41.56.150(1), by intimidating Barnett-Parker from leading a decertification effort.

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

2. Washington Public Employees Association shall:

File and serve its answer to the allegations listed in paragraph 1 of this Order, within 28 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 union discrimination for filing unfair labor practice charges in violation of RCW 41.56.150(3) is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 21st day of August, 2002.

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.