

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

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|------------------|---|----------------------|
| DOUG SCHLEY,     | ) |                      |
|                  | ) |                      |
| Complainant,     | ) | CASE 16709-U-02-4362 |
|                  | ) |                      |
| vs.              | ) | DECISION 8184 - PECB |
|                  | ) |                      |
| PORT OF SHELTON, | ) | ORDER OF DISMISSAL   |
|                  | ) |                      |
| Respondent.      | ) |                      |
|                  | ) |                      |
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|                  | ) |                      |

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On September 18, 2002, Doug Schley (Schley) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming the Port of Shelton (employer) as respondent. The complaint was reviewed under WAC 391-45-110,<sup>1</sup> and a deficiency notice issued on August 5, 2003, indicated that it was not possible to conclude that a cause of action existed at that time. Schley was given a period of 21 days in which to file and serve an amended complaint, or face dismissal of the case.

No further information has been filed by Schley. The Unfair Labor Practice Manager dismisses the complaint for failure to state a cause of action.

DISCUSSION

The allegations of the complaint concern employer interference with employee rights and discrimination in violation of RCW

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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.

41.56.140(1), domination or assistance of a union in violation of RCW 41.56.140(2), discrimination for filing an unfair labor practice charge in violation of RCW 41.56.140(3), and refusal to bargain in violation of RCW 41.56.140(4), by unspecified allegations concerning a solidarity agreement signed by employees.

The deficiency notice stated that under WAC 391-45-050, a complaint charging unfair labor practices shall contain:

(2) Clear and concise statements of the facts constituting the alleged unfair labor practices, including times, dates, places and participants in occurrences.

(4) The name, signature . . . of the person filing the complaint, and the date of the signature.

The deficiency notice indicated that the complaint did not conform to the requirements of WAC 391-45-050.

NOW, THEREFORE, it is

ORDERED

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

ISSUED at Olympia, Washington, this 4<sup>th</sup> day of September, 2003.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARK S. DOWNING, Unfair Labor Practice Manager

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.