

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

WASHINGTON STATE - SOCIAL AND)	
HEALTH SERVICES,)	
)	
Employer.)	
-----)	
ERNESTINE CHAMPEAUX,)	
)	
Complainant,)	CASE 21648-U-08-5524
)	
vs.)	DECISION 10079 - PSRA
)	
WASHINGTON FEDERATION OF STATE)	
EMPLOYEES,)	
)	ORDER OF DISMISSAL
Respondent.)	
_____)	

On April 10, 2008, Ernestine Champeaux (Champeaux) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming the Washington State Department of Social and Health Services (employer) as respondent. The complaint was reviewed under WAC 391-45-110,¹ and a deficiency notice issued on April 21, 2008, indicated that it was not possible to conclude that a cause of action existed at that time. Champeaux was given a period of 21 days in which to file and serve an amended complaint, or face dismissal of the case.

Champeaux has not filed any further information. The Unfair Labor Practice Manager dismisses the complaint for failure to state a cause of action.

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.

DISCUSSION

The allegations of the complaint concern union interference with employee rights in violation of RCW 41.80.110(2)(a) and inducing the employer to commit an unfair labor practice in violation of RCW 41.80.110(2)(b), by actions involving Champeaux.

The deficiency notice pointed out the defects to the complaint. One, Chapter 391-45 WAC governs the filing and processing of unfair labor practice complaints. Complaints must conform to WAC 391-45-050.

WAC 391-45-050 CONTENTS OF COMPLAINT

Each complaint charging unfair labor practices shall contain, in separate numbered paragraphs:

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

The statement of facts does not clearly and concisely set forth the alleged unfair labor practices. To the extent that the requested remedies clarify the complaint, the allegations appear to involve claims concerning the union's internal conduct of its business.

Two, in that regard, a union's decision concerning the allocation of its resources in representing its members, response time to its members, filling its positions, and the manner in which it conducts its business with the employer, are matters purely of a union's own creation and discretion. Such processes are part of a union's internal affairs and are often controlled by a union's constitution, bylaws, policies, and procedures. These matters constitute agreements among the members of a union regarding how the organization is to be operated. The Commission has no jurisdiction over the internal operations of a union. Disputes concerning alleged violations of the constitution, bylaws, policies, and procedures of a union must be resolved through internal procedures of the union or the courts.

Three, the statement of facts does not contain sufficient factual allegations to support a cause of action for the union causing or attempting to cause the employer to discriminate against Champeaux in violation of RCW 41.80.110(2)(b).

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in Case 21648-U-08-5524 is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 23rd day of May, 2008.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



DAVID I. GEDROSE, 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.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

112 HENRY STREET NE
P. O. BOX 40919
OLYMPIA, WASHINGTON 98504-0919

MARILYN GLENN SAYAN, CHAIRPERSON
PAMELA G. BRADBURN, COMMISSIONER
THOMAS W. McLANE, COMMISSIONER
CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR

RECORD OF SERVICE - ISSUED 05/23/2008


The attached document identified as: **DECISION 10079 - PSRA** has been served by the Public Employment Relations Commission by deposit in the United States mail, on the date issued indicated above, 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/ ROBBIE DUFFIELD

CASE NUMBER: 21648-U-08-05524 FILED: 04/10/2008 FILED BY: PARTY 2
DISPUTE: UN MULTIPLE ULP
BAR UNIT: MIXED CLASSES
DETAILS: -
COMMENTS:

EMPLOYER: STATE - DSHS
ATTN: DIANE LEIGH
210 11TH AVE SW STE 331
PO BOX 43113
OLYMPIA, WA 98504-3113
Ph1: 360-725-5154 Ph2: 360-725-5152

PARTY 2: ERNESTINE CHAMPEAUX
ATTN: 
1641 SR 9
SEDRO WOOLLEY, WA 98284
Ph1: 425-350-0217

PARTY 3: WA FED OF STATE EMPLOYEES
ATTN: GREG DEVEREUX
1212 JEFFERSON ST SE STE 300
OLYMPIA, WA 98501
Ph1: 800-562-6002 Ph2: 360-352-7603