

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

AUNA NELSON,)	
)	
Complainant,)	CASE 22330-U-09-5693
)	
vs.)	DECISION 10364 - PSRA
)	
WASHINGTON STATE - SOCIAL AND)	
HEALTH SERVICES,)	
)	ORDER OF DISMISSAL
Respondent.)	
_____)	

On March 11, 2009, Auna Nelson (Nelson) 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 March 13, 2009, indicated that it was not possible to conclude that a cause of action existed at that time. Nelson was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case.

Nelson 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 employer interference with employee rights in violation of RCW 41.80.110(1)(a), domination or assistance of a union in violation of RCW 41.80.110(1)(b), and discrimination for filing charges in violation of RCW 41.80.110(1)(d), by its actions toward Auna Nelson.

The deficiency notice pointed out the defects to the complaint. The Commission has no jurisdiction in this case. The name "Public Employment Relations Commission" is sometimes interpreted as implying a broader scope of authority than is actually conferred upon the agency by statute. The agency does not have authority to resolve each and every dispute that might arise in public employment, but only has jurisdiction to resolve collective bargaining disputes between employers, employees, and unions.

Under RCW 41.80.110(1)(a), it is an unfair labor practice for an employer to interfere with the collective bargaining rights of employees who engage in protected union activity. Nelson has not alleged that she participated in union activity and that the employer's actions were a result of that activity.

Under RCW 41.80.110(1)(b), it is an unfair labor practice for an employer to dominate or interfere with a union. Nelson provides no facts indicating that employer has involved itself in the internal affairs or finances of the union, or that the employer has attempted to create, fund, or control a "company union."

Under RCW 41.80.110(1)(d), it is an unfair labor practice for an employer to discriminate against an employee who has previously filed an unfair labor practice complaint with the Commission or

given testimony before the Commission. Nelson provides no facts indicating that she has previously filed a complaint or given testimony before the Commission.

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in Case 22330-U-09-5693 is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 13th day of April, 2009.

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.