

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

DEBBIE SCHREIBEIS,)	
)	CASE 22577-U-09-5771
Complainant,)	
)	DECISION 10519 - PECB
vs.)	
)	
COULEE COMMUNITY HOSPITAL,)	
)	ORDER OF DISMISSAL
Respondent.)	

On July 10, 2009, Debbie Schreibeis (Schreibeis) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming Coulee Community Hospital (employer) as respondent. The complaint was reviewed under WAC 391-45-110,¹ and a deficiency notice issued on July 28, 2009, indicated that it was not possible to conclude that a cause of action existed at that time. Schreibeis was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case.

Schreibeis has not filed any further information. 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 41.56.140(1), by its termination of Debbie Schreibeis (Schreibeis), and "other" violations, described as retaliation.

The deficiency notice pointed out the defects to the complaint. One, RCW 41.56.160(1) requires that unfair labor practice complaints be filed within six months of the date of the alleged violations in order to qualify for remedial action. The complaint was filed on July 10, 2009. Much of the material submitted by Schreibeis predates January 10, 2009.

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.

Two, WAC 391-45-050(2) requires that complaints set forth clear and concise statements of the facts constituting the alleged unfair labor practices, including times, dates, places and participants in occurrences. Schreibeis submitted only correspondence with her complaint form and did not submit a statement of facts.

Three, 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.

It is not apparent from her materials whether Schreibeis was:

- an employee of the Hospital District, or an independent contractor;
- a member of a bargaining unit, or unrepresented.

Based upon the materials submitted by Schreibeis, the Commission does not appear to have jurisdiction in this case. Schreibeis must pursue remedies through the court system.

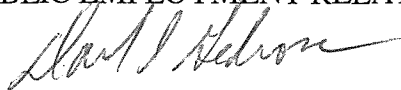
NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in Case 22577-U-09-5771 is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 26th day of August, 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.