

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

EASTERN WASHINGTON UNIVERSITY,)	
Employer,)	
-----)	
KENNETH REIDT,)	
Complainant,)	CASE 22588-U-09-5774
vs.)	DECISION 10520 - PSRA
WASHINGTON FEDERATION OF STATE EMPLOYEES,)	
Respondent.)	ORDER OF DISMISSAL

On July 17, 2009, Kenneth Reidt (Reidt) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming the Washington Federation of State Employees (union) as respondent. The complaint was reviewed under WAC 391-45-110,¹ and a deficiency notice issued on July 30, 2009, indicated that it was not possible to conclude that a cause of action existed at that time. Reidt was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case.

Reidt 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 union interference with employee rights in violation of RCW 41.80.110(2)(a), discrimination in violation of RCW 41.80.110(2)(b), and refusal to bargain

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.

in violation of RCW 41.80.110(d), by its actions involving Kenneth Reidt (Reidt) and the custodial floor crew.

The deficiency notice pointed out the defects to the complaint. One, RCW 41.80.120(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 does not give any dates concerning the alleged violations.

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; WAC 391-45-050(3) requires a request for a remedy. The complaint does not conform to the requirements of the WAC.

Three, class action complaints are not permitted by the Commission. Reidt may file this complaint on his behalf alone.

Four, the duty to bargain exists only between an employer and the incumbent exclusive bargaining representative of its employees. Individual employees such as Reidt do not have standing to process refusal to bargain allegations.

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in Case 22588-U-09-5774 is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 25th 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.