

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

KIM VO,)	
)	
Complainant,)	CASE 22595-U-09-5779
)	
vs.)	DECISION 10521 - PSRA
)	
WASHINGTON STATE - DEPARTMENT OF REVENUE,)	
)	
Respondent.)	ORDER OF DISMISSAL

On July 20, 2009, Kim Vo (Vo) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming the Washington State Department of Revenue (employer) 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. Vo was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case.

Vo 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 in violation of RCW 41.80.110(1)(a) and discrimination in violation of RCW 41.80.110(1)(c), by its actions involving Kim Vo (Vo).

The deficiency notice pointed out the defects to the complaint. The Commission does not appear to have 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

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.

arise in public employment, but only has jurisdiction to resolve collective bargaining disputes between employers, employees, and unions. Vo's complaint alleges that the employer's actions were motivated by age discrimination. The Commission has jurisdiction over discrimination allegations only as they pertain to union activities. The Commission has no jurisdiction over claims involving age discrimination or similar forms of discrimination, such as race or gender-based claims. Vo must pursue remedies through human rights agencies or the courts.

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in Case 22595-U-09-5779 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.