

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

DONALD J. WAKENIGHT,	)	
	)	CASE NO. 5702-U-85-1052
Complainant,	)	
	)	DECISION NO. 2192 - PECB
vs.	)	
	)	PRELIMINARY RULING
CITY OF SEATTLE,	)	
	)	
Respondent.	)	

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On February 26, 1985, Donald J. Wakenight filed a complaint charging unfair labor practices with the Public Employment Relations Commission. The complaint is presently before the Executive Director for a preliminary ruling pursuant to WAC 391-45-110. The allegations concern a discriminatory denial of a promotion. The complainant alleges that the respondent has engaged in unfair labor practices in violation of RCW 41.56.140(3), which reads:

RCW 41.56.140 It shall be an unfair labor practice for a public employer:

\* \* \*

(3) To discriminate against a public employee who has filed an unfair labor practice charge;

\* \* \*

The statement of facts in support of the present complaint does not make reference to any specific filing of unfair labor practice charge, the complainant concludes the statement of facts by writing: "I feel I have been discriminated against." The paucity of the allegations in these complaints make a complete review difficult. A review of the Commission's docket records indicates that the complainant in this case has previously filed unfair labor practice charges against the City of Seattle.

For the issue to be within the jurisdiction of the Commission, the claim of discrimination must be related to union activity or to the filing of unfair labor practice charges. There are no facts alleged which tie the alleged discrimination to any protected activity. If the complainant has a different ground for his allegation of discrimination, he might be able to seek relief through a human rights agency at either the state or local level.

With the direction provided here as to what is not available to the complainant through the unfair labor practice procedures of the Commission, he may be better able to focus attention on any claims which are within the jurisdiction of the Commission.

NOW, THEREFORE, it is

ORDERED

The complainant will be allowed a period of fourteen (14) days following the date of this order to amend the complaint. In the absence of an amendment, the complaint will be dismissed as failing to state cause of action.

DATED at Olympia, Washington, this 1st day of April, 1985.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director