

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

DENNIS ARMSTRONG,	)	
	)	
Complainant,	)	CASE NO. 7095-U-87-1448
	)	
vs.	)	DECISION 2902 - PECB
	)	
CITY OF PUYALLUP,	)	
	)	
Respondent.	)	ORDER OF DISMISSAL
	)	
	)	

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On October 23, 1987, Dennis Armstrong (complainant) filed a complaint charging unfair labor practices with the Public Employment Relations Commission, alleging that the City of Puyallup (respondent) had committed unfair labor practices in violation of RCW 41.56.140(1), (2), and (4),<sup>1</sup> through a series of actions arising from "morning meetings" conducted among certain employees of the respondent's water department.

On February 18, 1988, a letter was issued setting forth the preliminary ruling made by the Executive Director pursuant to WAC 391-45-110, in which the complainant was informed of several deficiencies in the complaint as filed. In addition to noting the apparently erroneous references to Chapter 41.59 RCW, it was pointed out that one of the erroneous references

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<sup>1</sup> The complainant also marked boxes on the complaint form for RCW 41.59.140(1)(e) and (2)(a), which are part of the Educational Employment Relations Act and are applicable only to certificated employees of school districts. Those indications are taken to be in error in view of the nature of this respondent and the absence of any indication that the complainant is a certificated employee of a school district.

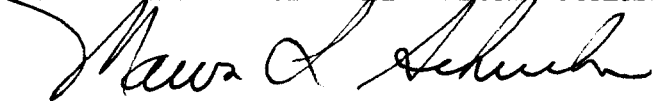
was appropriate for unfair labor practice charges against a union, while this case named only the City of Puyallup as a respondent. Further, the complainant was advised that the Public Employment Relations Commission has jurisdiction only over matters concerning collective bargaining, whereas the complaint appears to allege only that the respondent had discriminated against the complainant because of his race. The complainant was given a period of fourteen (14) days from the date of the preliminary ruling letter to amend the complaint, and was advised that it would be dismissed in the absence of amendment as failing to state a cause of action for proceedings before the Public Employment Relations Commission. Nothing further has been received from the complainant.

ORDER

The complaint charging unfair labor practices filed in this matter is DISMISSED for failure to state a cause of action.

DATED at Olympia, Washington, this 1st day of April, 1988.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

This Order may be appealed  
by filing a petition for review  
with the Commission pursuant  
to WAC 391-45-350.