

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

PORT OF SEATTLE,)	
)	
Employer)	
-----)	
GENE MINETTI,)	
)	
Complainant,)	CASE 8996-U-91-1985
vs.)	DECISION 3887 - PECB
)	
INTERNATIONAL LONGSHOREMEN AND)	
WAREHOUSEMEN UNION, LOCAL 9,)	
)	
Respondent.)	
-----)	
GENE MINETTI,)	
)	
Complainant,)	CASE 8997-U-91-1986
vs.)	DECISION 3888 - PECB
)	
PORT OF SEATTLE,)	ORDER OF DISMISSAL
)	
Respondent.)	
-----)	

The complaints charging unfair labor practices were filed in the above-entitled matters on January 25, 1991. The cases came before the Executive Director for preliminary rulings pursuant to WAC 391-45-110,¹ and a letter issued to the complainant on September 5, 1991 pointed out a number of defects in the complaint.

These complaints concern an award of "seniority" status to Dick Crouse. The transaction is alleged to have occurred within the six months prior to the filing of the complaint, but the complaint does

¹ At this stage of the proceedings, all of the facts alleged are assumed to be true and provable. The question at hand is whether the complaint(s) state a claim for relief available through unfair labor practice proceedings before the Public Employment Relations Commission.

not allege facts sufficient to conclude that the complainant has legal "standing" in the matter.

In order to pursue a "discrimination" unfair labor practice case, the employee who files a complaint with the Commission must have been harmed by the alleged unlawful conduct on the part of the employer and/or union. The complainant must have been either:

(1) an employee within the affected work force at the time of the alleged unlawful conduct; or

(2) an applicant for employment within the affected work force at the time of the alleged unlawful conduct.

An individual who was neither an employee nor an applicant for employment at the relevant time would not have been harmed by the alleged action, regardless of its legality or illegality.

In these cases, the complainant was given a 14-day period in which to file and serve an amended complaint setting forth the facts on which legal "standing" is claimed. Nothing further has been heard or received from the complainant.

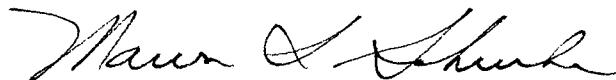
NOW, THEREFORE, it is

ORDERED

The complaints filed in the above-entitled matters are DISMISSED as failing to state a cause of action.

Dated at Olympia, Washington, on the 9th day of October, 1991.

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.