## STATE OF WASHINGTON

## BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

CITY OF SEATTLE,		
	Employer.	
DAVID CORDARO,	Complainant,	CASE 11434-U-94-2682
vs.	, ,	DECISION 5026 - PECB
CARPENTERS UNION, I	OCAL 131,	
	Respondent.	) ORDER OF DISMISSAL )
		)

On November 14, 1994, David Cordaro filed a complaint charging unfair labor practices with the Public Employment Relations Commission, alleging that Carpenters Union, Local 131 (union), had interfered with his rights and discriminated against him because he had filed charges. Specifically, the complaint alleges in narrative form that a union agent asked Cordaro to leave a meeting of union shop representatives because Cordaro had filed a decertification petition. The complaint further alleges the purpose of excluding Cordaro was to permit the union agent to campaign against the decertification petition while preventing Cordaro from replying during the same meeting.

On October 14, 1994, Cordaro filed a petition for investigation of a question concerning representation with the Commission, seeking to decertify the union as exclusive bargaining representative of a bargaining unit of inspectors and carpenters employed by the City of Seattle. An election was held in Case 11379-E-94-1874 on December 14, 1994. The union was retained as exclusive bargaining representative and Cordaro has filed objections to the election.

In a preliminary ruling letter dated November 22, 1994, the complainant was notified that the complaint failed to state a cause of action, as filed. The complainant was given 14 days to file an amended complaint that would comply with the format required by WAC 391-45-050 and would state a cause of action. An extension of time was granted.

On January 3, 1995, Cordaro filed an amended statement of facts. The complaint, as amended, is presently before the Executive Director for a preliminary ruling pursuant to WAC 391-45-110.<sup>2</sup>

The amended complaint does not allege any facts supporting the allegation the union discriminated against Cordaro for filing charges. That allegation must be dismissed for failure to state a claim for relief which can be granted by the Commission.

The amended complaint alleges the union violated rights assured to Cordaro by Chapter 41.56 RCW when it excluded him from a meeting of union representatives allegedly organized to discuss the decertification petition. Cordaro has not cited any provision of Chapter 41.56 RCW, nor is any found, that obligates a union to provide a campaign forum to the person seeking to terminate the union's status as exclusive bargaining representative. Furthermore, this allegation focuses on the union's regulation of its internal affairs, a matter over which the Commission has limited jurisdiction. City of Pasco, Decision 4860 (PECB, 1994); Lewis County, Decision 464, 464-A (PECB, 1978). This allegation must be dismissed for failure to state a claim for relief which can be granted by the Commission.

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 Commission.

NOW, THEREFORE, it is

## **ORDERED**

The complaint charging unfair labor practices filed in the above-captioned matter is hereby <u>DISMISSED</u> for failure to state a cause of action.

DATED at Olympia, Washington, this 10th day of March, 1995.

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.