

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

GENE MINETTI,	)	
	)	
Complainant,	)	CASE NO. 6745-U-87-1352
	)	
vs.	)	DECISION 2661 - PECB
	)	
PORT OF SEATTLE,	)	
	)	
Respondent.	)	PRELIMINARY RULING
	)	
	)	

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The complaint charging unfair labor practices was filed in the above-captioned matter on January 26, 1987. The matter is presently before the Executive Director for preliminary ruling pursuant to WAC 391-45-110. Several difficulties in the complaint are noted which must be dealt with before the matter could be processed further.

The complainant party has marked only the box on the complaint form which alleges a violation of RCW 41.59.140(1)(d) [the "refusal to bargain" provision of the Educational Employment Relations Act]. Chapter 41.59 RCW covers only certificated employees in the state's public school system. Any charges against the Port of Seattle would have to be processed under Chapter 41.56 RCW, the Public Employees Collective Bargaining Act. A copy of that statute is being provided to the complainant with this order.

Giving the complainant the benefit of the doubt, and assuming that he would amend the complaint to correct the obvious defect noted above, it appears that the complainant alleges that the employer has discriminated against him in reprisal for his successful prosecution of a complaint before the National Labor Relations Board. The specific facts are insufficient, however, to indicate that a cause of action would exist under state law.

The only detailed facts in the complaint seem to allege that an unfair labor practice was committed because the complainant's reinstatement caused several other employees to be laid off. Unfortunate as a layoff may be for those affected, it is not a violation of any existing collective bargaining law for an employer to lay off employees it no longer needs or to advise them of the reasons for their layoff. If the complainant has a different theory of the case, it is not clear from the statement of facts. The complainant's references to other "similar incidents", without any specifics, and his mention of "threats against Mr. Minetti's person and property", without providing any detail as to the origin, time or type of threats, are insufficient to state a cause of action.


NOW, THEREFORE, it is

ORDERED

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

Dated at Olympia, Washington, this 7th day of April, 1987.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
MARVIN L. SCHURKE, Executive Director