

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

CITY OF SEATTLE,)
)
Employer.)
_____)
NIGEL KEIFFER,)
)
Complainant,)
)
vs.)
)
INTERNATIONAL FEDERATION OF)
PROFESSIONAL AND TECHNICAL)
ENGINEERS, LOCAL 17,)
)
Respondent.)
_____)

CASE 7292-U-88-1501

DECISION 3199-A - PECB

DECISION OF COMMISSION

Nigel Keiffer has petitioned for review of a Preliminary Ruling and Order issued by the Executive Director which: (1) Dismissed all allegations against the union contained in a proposed amended complaint, except for one, which had previously been assigned for hearing; and (2) dismissed the City of Seattle as a respondent. The Executive Director's Order was issued on April 25, 1989. The petition for review was filed on May 16, 1989.

The complainant asserts that, in counting the days between the Order and his filing, we should not consider May 16, 1989. He quotes WAC 10-08-080 and WAC 391-08-100, both of which state:

In computing any period of time prescribed or allowed by any applicable statute or rule, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included . . .

The complainant misconstrues this rule. The day to be disregarded is April 25, 1989, the day the Executive Director's Order issued. Accordingly, the "countdown" period began on April 26, 1989. It ended on the 20th day, which was May 15, 1989. Since the petition for review was filed more than 20 days following the issuance of the Executive Director's Order, we must dismiss it for want of jurisdiction. Port of Seattle, Decision 2661-B (PECB, May, 1989); Lewis County, Decision 2957-A (PECB, 1988); City of Seattle, Decision 2230-A (PECB, 1985); Seattle Public Health Hospital (American Federation of Government Employees, Local 1170), Decision 1781-A (PECB, 1984); Port of Ilwaco, Decision 970-A (PECB, 1980); Spokane School District, Decision 310-A (EDUC, 1978).

Even if we were not to dismiss the petition for review as untimely, we would find that the Executive Director committed no error. The Executive Director has gone to great length to explain to the complainant that the jurisdiction of the Commission is quite limited. Our jurisdiction by no means encompasses all, or even most, job-related grievances -- no matter how egregious the conduct of the named respondent. The rights guaranteed by Chapter 41.56 RCW pertain, in general, to union activities or lack thereof. The unfair labor practice provisions of the statute protect the "process" rights of the participants. Chapter 41.56 RCW does not thereby incorporate the panoply of employment rights that are found in other statutes and court decisions. Other forums exist to remedy violations of such rights. For an individual to successfully assert the Commission's unfair labor practice jurisdiction, the charges must pertain to action taken by a union or employer that violates the individual's rights protected by Chapter 41.56 RCW.¹

¹

It is not enough for a complainant to allege that he or she experienced adverse job action and that he or she has engaged in protected conduct. The complainant also must allege and describe the link or nexus between the two, by stating facts showing that the responding party had illegal motives when it took the offending action.

The complainant in this case has set forth some facts in his complaints that, if proven, could constitute a violation by the union of rights guaranteed by Chapter 41.56 RCW, and the Executive Director properly assigned that allegation for a hearing. Other facts involving the union do not state a cause of action, and the complainant has not alleged facts that set forth a cause of action against the employer.

NOW, THEREFORE, it is

ORDERED

1. The Order of the Executive Director is hereby AFFIRMED.
2. The matter is remanded to Examiner Rex L. Lacy for further proceedings consistent with this Order.

Dated at Olympia, Washington, this 29th day of September, 1989.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Jane R. Wilkinson

JANE R. WILKINSON, Chairman

Mark C. Endresen

MARK C. ENDRESEN, Commissioner

Joseph F. Quinn

JOSEPH F. QUINN, Commissioner