

City of Kirkland, Decision 6377 (PECB, 1998)

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

RICHARD A. SWEENEY,)	
)	
Complainant,)	CASE 13830-U-98-3388
)	
vs.)	DECISION 6377 - PECB
)	
CITY OF KIRKLAND,)	
)	
Respondent.)	ORDER OF DISMISSAL
)	
)	

On April 6 1998, Richard A. Sweeney filed a complaint charging unfair labor practices with the Public Employment Relations Commission, naming the City of Kirkland (employer) as respondent. That complaint asked the Commission to investigate "something ... going on with the management" at the City of Kirkland. The complaint was reviewed under WAC 391-45-110,¹ and a deficiency notice issued on May 13, 1998, informed the complainant that the case would be dismissed as failing to state a cause of action under RCW 41.56.140, unless amendments were forthcoming within 14 days.

¹The purpose of this review is to comply with RCW 34.05.419(2), which requires administrative agencies to:

Examine the application, notify the applicant of any obvious errors or omissions, [and] request any additional information the agency wishes to obtain and is permitted by law to require ...

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 the complaint states a claim for relief available through unfair labor practice proceedings before the Public Employment Relations Commission.

The complainant submitted a timely response to the deficiency notice, in the form of a letter filed on June 1, 1998. Although the letter further details disciplinary sanctions imposed upon the complainant, nothing among the allegations suggests that the employer's actions were in reprisal for Sweeney's involvement in collective bargaining, filing of grievances, or other activity on behalf of his union (which was never identified in these pleadings or papers).² Mere allegations that other bargaining unit employees were supportive of Sweeney's efforts to reverse his discipline as a probationary employee are insufficient to show that the employer was engaged in retaliation against such employees for supporting an employee grievance. No violations of RCW 41.56.140 are stated.

NOW, THEREFORE it is

ORDERED

The complaint charging unfair labor practices in the above-captioned matter is DISMISSED.

Issued at Olympia, Washington, on the 21st day of July, 1998.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

This order will be the final order of the agency unless appealed to the Commission under WAC 391-45-350.

² Review of the Commission's docket records discloses that several bargaining units exist in the employer's workforce. It is unclear as to which, if any, exclusive bargaining representative may be involved here.