

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

WASHINGTON STATE FERRIES, Employer.	
THOMAS W. LITTLE, Complainant, vs. MARINE ENGINEERS BENEFICIAL ASSOCIATION, Respondent.	CASE 25472-U-13-6521 DECISION 11688 – MRNE ORDER OF DISMISSAL
THOMAS W. LITTLE, Complainant, vs. WASHINGTON STATE FERRIES, Respondent.	CASE 25473-U-13-6522 DECISION 11689 – MRNE ORDER OF DISMISSAL

On February 15, 2013, Thomas W. Little (Little) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming the Marine Engineers Beneficial Association (union) and the Washington State Ferries (employer) as respondents. The complaint was docketed as separate cases against the parties, Case 25472-U-13-6521 (union) and 25473-U-13-6522 (employer). The cases were consolidated under WAC 10-08-085, and the complaints were reviewed under WAC 391-45-110.¹ A deficiency

¹ 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 Public Employment Relations Commission.

notice issued on February 21, 2013, indicated that it was not possible to conclude that a cause of action existed at that time. Little was given a period of 21 days in which to file and serve amended complaints or face dismissal of the cases.

Little has not filed any further information. The Unfair Labor Practice Manager dismisses the complaints for failure to state causes of action.

DISCUSSION

Case 25473-U-13-6522—Employer

The allegations of the complaint concern employer interference with employee rights in violation of RCW 47.64.130(1)(a) and employer discrimination in violation of RCW 47.64.130(1)(c) [and if so, derivative interference in violation of RCW 47.64.130(1)(a)], by extending a letter of understanding with the union.

Case 25472-U-13-6521—Union

The allegations of the complaint concern union interference with employee rights in violation of RCW 47.64.130(2)(a) and inducing the employer to commit an unfair labor practice in violation of RCW 47.64.130(2)(b) [and if so, derivative interference in violation of RCW 47.64.130(2)(a)], by extending a letter of understanding with the union.

The deficiency notice pointed out multiple defects to the complaints.

One, Little alleges that the letter of understanding violates two collective bargaining agreements. The Commission does not assert jurisdiction to remedy alleged contract violations under the unfair labor practice provisions of collective bargaining statutes.

Two, Little does not show that he has standing to process alleged breach of contract violations between the employer and the unions, including one unidentified union.

Three, it is an unfair labor practice in violation of Chapter 47.64 RCW for an employer or union to interfere with or discriminate against an employee in connection with, or in reprisal for, the employee's union activities. However, Little does not identify any union activities on his part, and does not indicate that the letter of understanding was directed at him on the basis of his union activities.

Four, Little disagrees with his union's stance on the letter of understanding, but that disagreement appears to be an internal union issue over which the Commission has no jurisdiction.

NOW, THEREFORE, it is

ORDERED

The complaints charging unfair labor practices in the Cases 25472-U-13-6521 and 25473-U-13-6522 are DISMISSED for failures to state causes of action.

ISSUED at Olympia, Washington, this 22nd day of March, 2013.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



DAVID I. GEDROSE, Unfair Labor Practice Manager

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under WAC 391-45-350.



PUBLIC EMPLOYMENT RELATIONS COMMISSION

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MARILYN GLENN SAYAN, CHAIRPERSON
PAMELA G. BRADBURN, COMMISSIONER
THOMAS W. McLANE, COMMISSIONER
MIKE SELLARS, EXECUTIVE DIRECTOR

RECORD OF SERVICE - ISSUED 03/22/2013

The attached document identified as: **DECISION 11688 - MRNE** has been served by the Public Employment Relations Commission by deposit in the United States mail, on the date issued indicated above, postage prepaid, addressed to the parties and their representatives listed in the docket records of the Commission as indicated below:

PUBLIC EMPLOYMENT RELATIONS
COMMISSION

BY:  ROBBIE DUFFIELD

CASE NUMBER: 25472-U-13-06521 FILED: 02/15/2013 FILED BY: PARTY 2
DISPUTE: ER MULTIPLE ULP
BAR UNIT: ENGINEERING
DETAILS: -
COMMENTS:

EMPLOYER: WASHINGTON STATE FERRIES
ATTN: RICK HALL
210 11TH AVE SW STE 331
PO BOX 43113
OLYMPIA, WA 98504-3113
Ph1: 360-725-5540

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7141 CLEANWATER DRIVE SW
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PARTY 2: THOMAS LITTLE
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PARTY 3: MARINE ENG BENEFICIAL ASSN
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PUBLIC EMPLOYMENT RELATIONS COMMISSION

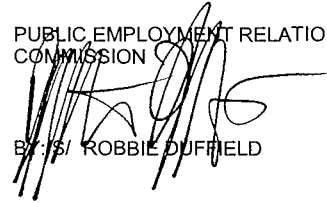
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PUBLIC EMPLOYMENT RELATIONS
COMMISSION

BY:  / ROBBIE DUFFIELD

CASE NUMBER: 25473-U-13-06522 FILED: 02/15/2013 FILED BY: PARTY 2
DISPUTE: UN MULTIPLE ULP
BAR UNIT: ENGINEERING
DETAILS: -
COMMENTS:

EMPLOYER: WASHINGTON STATE FERRIES
ATTN: RICK HALL
210 11TH AVE SW STE 331
PO BOX 43113
OLYMPIA, WA 98504-3113
Ph1: 360-725-5540

PARTY 2: THOMAS LITTLE
ATTN:
PO BOX 581
WOODINVILLE, WA 98072
Ph1: 206-849-2481

PARTY 3: MARINE ENG BENEFICIAL ASSN
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