

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

PUGET SOUND POLICE MANAGERS
ASSOCIATION,

Complainant,

vs.

KING COUNTY,

Respondent.

CASE 26439-U-14-6743

DECISION 12083- PECB

ORDER OF DISMISSAL

On April 28, 2014, Puget Sound Police Managers Association (union) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming King County (employer) as respondent. The complaint was reviewed under WAC 391-45-110,¹ and a deficiency notice issued on May 1, 2014, indicated that it was not possible to conclude that a cause of action existed at that time. The union was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case.

The union has not filed any further information. The Unfair Labor Practice Manager dismisses the complaint for failure to state a cause of action.

DISCUSSION

The allegations of the complaint concern employer violations of the collective bargaining agreement and the King County Code, regarding Captain DJ Nesel. The deficiency notice pointed out the defects to the complaint.

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.

The union alleges that the employer has violated the collective bargaining agreement between the union and the employer, as well as violating the King County Code, in its actions toward Captain DJ Nesel. The Public Employment Relations Commission does not have jurisdiction over contract disputes or the King County Code. The statement of facts makes legal claims of retaliation and discrimination. The Commission has jurisdiction only over retaliation and discrimination claims arising from alleged violations of collective bargaining statutes, in this case, Chapter 41.56 RCW (statute). The statement of facts does not provide any indication that the alleged retaliation and discrimination violated the statute. The Commission does not have jurisdiction in this matter, and the union must seek remedies through the arbitration and grievance provisions of the collective bargaining agreement or through the courts.

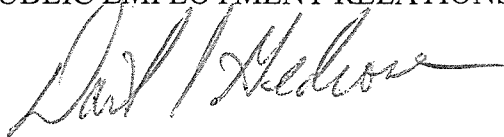
NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in Case 26439-U-14-6743 is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 6th day of June, 2014.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



DAVID I. GEDROSE, Unfair Labor Practice Manager

This 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

112 HENRY STREET NE SUITE 300
PO BOX 40919
OLYMPIA, WASHINGTON 98504-0919

MARILYN GLENN SAYAN, CHAIRPERSON
THOMAS W. McLANE, COMMISSIONER
MARK E. BRENNAN, COMMISSIONER
MIKE SELLARS, EXECUTIVE DIRECTOR

RECORD OF SERVICE - ISSUED 06/06/2014

The attached document identified as: **DECISION 12083 - PECB** 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: *Diane Thovsen*
DIANE THOVSEN

CASE NUMBER: 26439-U-14-06743 FILED: 04/28/2014 FILED BY: PARTY 2
DISPUTE: ER MISC ULP
BAR UNIT: SUPERVISORS
DETAILS: -
COMMENTS:

EMPLOYER: KING COUNTY
ATTN: DAVID S LEVIN
500 4TH AVE RM 450
ADM-ES-0450
SEATTLE, WA 98104-2372
david.levin@kingcounty.gov
Ph1: 206-205-5321 Ph2: 206-296-8556

REP BY: SUSAN N SLONECKER
KING COUNTY
KING CO ADMIN BLDG
500 4TH AVE STE 900
SEATTLE, WA 98104
Ph1: 206-296-8820

REP BY: LYNNE J KALINA
KING COUNTY
500 4TH AVE 9TH FL
SEATTLE, WA 98104
Ph1: 206-296-8820

PARTY 2: PUGET SOUND POLICE MANAGERS ASSN
ATTN: CARL COLE
PO BOX 66379
BURIEN, WA 98104
carl.cole@kingcounty.gov
Ph1: 253-405-4427