

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

RUSSELL D. ROSCOE,

Complainant,

vs.

SHORELINE COMMUNITY COLLEGE
(COMMUNITY COLLEGE DISTRICT 7 –
SHORELINE),

Respondent.

CASE 22948-U-10-5850

DECISION 10667-A - CCOL

DECISION OF COMMISSION

On January 5, 2010, Russell D. Roscoe (Roscoe) filed an unfair labor practice complaint alleging that Shoreline Community College (employer) discriminated against him and interfered with his protected employee rights when it included his position in the employer's Business Administration Reduction In Force Unit (RIF Unit). Unfair Labor Practice Manager David I. Gedrose reviewed Roscoe's original complaint under WCA 391-45-110 and determined the complaint failed to state a cause of action that could be redressed by Chapter 28B.52 RCW. Roscoe was given twenty-one days to amend his complaint. On January 25, 2010, Roscoe filed an amended complaint. On February 3, 2010, Gedrose issued an order dismissing Roscoe's amended complaint. *Shoreline Community College, Decision 10667 (CCOL, 2010)*. Roscoe now appeals.

ISSUE PRESENTED

Does Roscoe's complaint alleging that the employer improperly placed him in the RIF Unit state a cause of action that can be redressed by Chapter 28B.52 RCW?

For the reasons set forth below, we affirm the Unfair Labor Practice Manager's decision that Roscoe's complaint fails to state a cause of action that can be redressed by the statutes administered by this agency. Roscoe's complaints also fail to comply with WAC 391-45-050 because he did not specify times, dates and places of pertinent events in those complaints.

DISCUSSION

Roscoe's Complaint Fails to State a Cause of Action

Roscoe's complaint centers on the employer's failure to follow the Washington State Board for Community and Technical College's administrative rules, Chapter 131-16 WAC, and his placement in the RIF Unit. Roscoe argues the employer improperly applied WAC 131-92-092 and -095, and that those administrative rules supersede the terms of any existing collective bargaining agreement. Finally, Roscoe asserts that when he attempted to discuss application of those rules with the employer as part of a grievance that he filed, the employer refused to do so.

Roscoe's allegation that the employer failed to properly apply the provisions of Chapter 131-16 WAC do not state a cause of action that this Commission can redress through the provisions of Chapter 28B.52 RCW. This Commission's jurisdiction is limited to resolving collective bargaining disputes between employers, employees, and exclusive bargaining representatives. Roscoe did not allege that the employer's action was in response to his exercise of activities protected by RCW 28B.52 RCW; rather, he simply disagreed with the employer's interpretation and application of Chapter 131-16 WAC.

Although Roscoe's original and amended complaints failed to state a cause of action that could be redressed by Chapter 28B.52 RCW, we note that Roscoe's attempt to provide specific dates for events as part of his notice of appeal cannot be considered because a complaint can only be amended under the provisions of WAC 391-45-070, and not through the appellate process by filing a notice of appeal.

NOW, THEREFORE, it is

ORDERED

The Order of Dismissal issued by Unfair Labor Practice Manager David I. Gedrose is
AFFIRMED.

ISSUED at Olympia, Washington, this 17th day of June, 2010.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARILYN GLENN SAYAN, Chairperson



PAMELA G. BRADBURN, Commissioner



THOMAS W. McLANE, Commissioner