

City of Kirkland, Decision 12546-A (PECB, 2016)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

PATRICK MCMANUS, Complainant, vs. CITY OF KIRKLAND, Respondent.	CASE 127780-U-15 DECISION 12546-A - PECB DECISION OF COMMISSION
PATRICK MCMANUS, Complainant, vs. INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 2545, Respondent.	CASE 127787-U-15 DECISION 12547-A - PECB DECISION OF COMMISSION

Patrick McManus, the complainant.

The City of Kirkland did not participate in the appeal.

The International Association of Fire Fighters, Local 2545 did not participate in the appeal.

On December 15, 2015, Patrick McManus filed an unfair labor practice complaint against the City of Kirkland (employer) alleging domination or assistance of a union and employer interference with employee rights. Additionally, McManus alleged violations of RCW 41.06.176, RCW 42.40.035, and his civil rights. On December 16, 2015, McManus filed an unfair labor practice complaint against the International Association of Fire Fighters, Local 2545 (union) alleging union interference with employee rights by breaching its duty of fair representation. On December 30, 2015, Unfair Labor Practice Manager Jessica J. Bradley issued a deficiency notice indicating that, based upon the facts alleged, the complaints were untimely. The deficiency notice explained that the Commission does not have jurisdiction over RCW

41.06.176, RCW 42.40.035, and civil rights violations. The Unfair Labor Practice Manager gave McManus 21 days to file and serve amended complaints to cure the defects.

On January 13, 2016, McManus filed an amended complaint. In the amended complaint, McManus alleged that the complaints were timely because he did not know of the alleged unfair labor practice until November 8, 2015. On February 11, 2016, the Unfair Labor Practice Manager dismissed the complaints as untimely.¹ McManus filed a timely appeal.

The only issue this appeal presents is whether the complainant's original and amended complaints state causes of action or, in other words, whether the complainant has alleged sufficient facts to move the complaints to hearing. To state causes of action, the events alleged must have occurred in the six months before the complaints were filed. RCW 41.56.160(1).

The Unfair Labor Practice Manager correctly identified the statute of limitations period. McManus had knowledge of the actions giving rise to the alleged unfair labor practices in 2012. A complainant not knowing the rights established under Chapter 41.56 RCW is not a basis for tolling the statute of limitations. We affirm the Unfair Labor Practice Manager's decision that the complaints and amended complaint were untimely.

ORDER

The Orders of Dismissal issued by Unfair Labor Practice Manager Jessica J. Bradley are **AFFIRMED**.

ISSUED at Olympia, Washington, this 24th day of June, 2016.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

MARILYN GLENN SAYAN, Chairperson

MARK E. BRENNAN, Commissioner

¹ *City of Kirkland*, Decision 12546 (PECB, 2016).

Commissioner McLane did not participate in the consideration or decision in this case.