

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

KING COUNTY,	Employer.	
CLAUDE R. BROWN,	Complainant,	CASE 128655-U-17
vs.		DECISION 12815-A - PECB
AMALGAMATED TRANSIT UNION, LOCAL 587,	Respondent.	DECISION OF COMMISSION

*Claude R. Brown*, appeared on his own behalf.

*Jillian M. Cutler*, Attorney at Law, Frank Freed Subit & Thomas, LLP, for the Amalgamated Transit Union, Local 587.

It is an unfair labor practice for a union to discriminate against a public employee who has filed an unfair labor practice charge. RCW 41.56.150(3). Claude Brown works as a rail operator for King County (employer). The Amalgamated Transit Union, Local 587 (union) represents employees, including Brown, who work in the employer's transit division.

On April 28, 2015, Brown filed an unfair labor practice against the union alleging that the union breached its duty of fair representation. *See King County (Amalgamated Transit Union, Local 587), Decision 12759-A (PECB, 2018)*. On November 1, 2016, Brown filed a grievance against his employer. The union decided not to pursue the grievance beyond the first step of the grievance procedure.

On January 3, 2017, Brown filed this unfair labor practice complaint alleging that the union discriminated against him in reprisal for filing an unfair labor practice complaint. Examiner Daniel Comeau conducted a hearing and issued a decision finding that the union did not discriminate against Brown for filing the April 28, 2015, unfair labor practice complaint. *King County (Amalgamated Transit Union, Local 587)*, Decision 12815 (PECB, 2018). Brown filed a timely appeal.

The Commission applies its experience and specialized knowledge in labor relations to decide cases. RCW 34.05.461(5). The Commission reviews conclusions and applications of law, as well as interpretations of statutes, de novo. The Commission also reviews the findings of fact to determine if they are supported by substantial evidence and, if so, whether those findings in turn support the examiner's conclusions of law. *C-TRAN (Amalgamated Transit Union, Local 757)*, Decision 7087-B (PECB, 2002). The Commission reviews factual findings for substantial evidence in light of the entire record. Substantial evidence exists if the record contains evidence of sufficient quantity to persuade a fair-minded, rational person of the truth of the declared premise. *Public Employment Relations Commission v. City of Vancouver*, 107 Wn. App. 694, 703 (2001); *C-TRAN (Amalgamated Transit Union, Local 757)*, Decision 7087-B. The Commission attaches considerable weight to the factual findings and inferences, including the credibility determinations made by its examiners. *Cowlitz County*, Decision 7007-A (PECB, 2000). This deference, while not slavishly observed on every appeal, is highly appropriate in fact-oriented appeals. *C-TRAN (Amalgamated Transit Union, Local 757)*, Decision 7087-B.

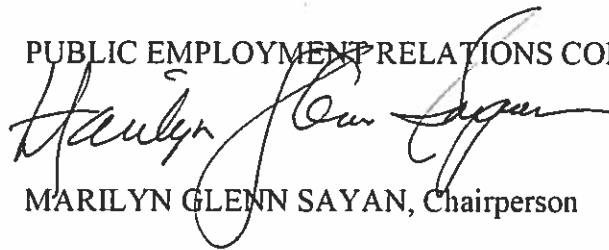
The issue before the Commission is whether the union discriminated against Brown for filing an unfair labor practice complaint. We have reviewed the transcripts, the exhibits, and the briefs filed by the parties. The Examiner correctly stated the legal standard. Substantial evidence supports the Examiner's findings of fact, which in turn support the Examiner's conclusions of law. We affirm the Examiner. Brown did not meet his burden to prove that the union discriminated against him for filing the April 28, 2015, unfair labor practice complaint when the union decided not to advance the November 1, 2016, grievance beyond step one.

ORDER

The Findings of Fact, Conclusions of Law, and Order issued by Examiner Daniel Comeau are AFFIRMED and adopted as the Findings of Fact, Conclusions of Law, and Order of the Commission.

ISSUED at Olympia, Washington, this 10th day of May, 2018.

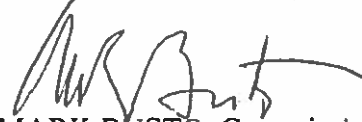
PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARILYN GLENN SAYAN, Chairperson



MARK E. BRENNAN, Commissioner



MARK BUSTO, Commissioner



**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

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

MARILYN GLENN SAYAN, CHAIRPERSON  
MARK E. BRENNAN, COMMISSIONER  
MARK R. BUSTO, COMMISSIONER  
MIKE SELLARS, EXECUTIVE DIRECTOR

**RECORD OF SERVICE - ISSUED 05/10/2018**

DECISION 12815-A - PECB has been mailed by the Public Employment Relations Commission to the parties and their representatives listed below:



BY: DEBBIE BATES

CASE NUMBER: 128655-U-17

EMPLOYER: KING COUNTY

REP BY: KRISTI D. KNIEPS  
KING COUNTY  
OFFICE OF LABOR RELATIONS  
500 4TH AVE RM 450  
SEATTLE, WA 98104  
kristi.knieps@kingcounty.gov  
(206) 477-1896

PARTY 2: CLAUDE R. BROWN

REP BY: CLAUDE R. BROWN  
4909 30TH AVE S  
SEATTLE, WA 98108  
snookybrown@hotmail.com  
(206) 722-5261

PARTY 3: AMALGAMATED TRANSIT UNION LOCAL 587

REP BY: MICHAEL SHEA  
AMALGAMATED TRANSIT UNION LOCAL 587  
2815 2ND AVE STE 230  
SEATTLE, WA 98121  
mshea.president@atu587.org  
(206) 448-8588

JILLIAN M. CUTLER  
FRANK FREED SUBIT & THOMAS LLP  
705 2ND AVE STE 1200  
SEATTLE, WA 98104  
jcutler@frankfreed.com  
(206) 682-6711