

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

FEDERAL WAY SCHOOL DISTRICT,

Employer.

GLORIA BUTTS,

Complainant,

vs.

INTERNATIONAL UNION OF  
OPERATING ENGINEERS, LOCAL 286,

Respondent.

CASE 130011-U-18

DECISION 12853-A - PECB

DECISION OF COMMISSION

*Gloria Butts*, the complainant.

On January 25, 2018, Gloria Butts filed an unfair labor practice complaint alleging the International Union of Operating Engineers, Local 286 (union) interfered with employee rights by breaching its duty of fair representation in violation of RCW 41.56.150(1). After reviewing the complaint pursuant to WAC 391-45-110, the Acting Unfair Labor Practice Manager issued a deficiency notice on February 16, 2018. On March 12, 2018, Butts filed an amended complaint, which consisted of the unfair labor practice (ULP) filing form and a letter to the Equal Employment Opportunity Commission. After reviewing the amended complaint, the Acting Unfair Labor Practice Manager dismissed the original and amended complaints on April 11, 2018.

On April 11, 2018, Butts appealed the dismissal of her complaints. On April 25, 2018, Butts filed an appeal brief. The union did not respond to the appeal.

The only issue this appeal presents is whether the complainant's original and amended complaints state a cause of action or, in other words, whether the complainant has alleged sufficient facts to proceed to hearing.

An unfair labor practice complaint is reviewed under WAC 391-45-110 to determine whether the facts, as alleged, state a cause of action. All of the facts are assumed to be true and provable. *Whatcom County*, Decision 8245-A (PECB, 2004).


We have reviewed the original and amended complaints. The complaints do not state a cause of action. We affirm the Unfair Labor Practice Manager.

ORDER

The Order of Dismissal issued by Acting Unfair Labor Practice Manager Emily K. Whitney is AFFIRMED.

ISSUED at Olympia, Washington, this 7th day of June, 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 F. BRENNAN, COMMISSIONER  
MARK R. BUSTO, COMMISSIONER  
MIKE SELLARS, EXECUTIVE DIRECTOR

### RECORD OF SERVICE - ISSUED 06/07/2018

DECISION 12853-A - PECB has been mailed by the Public Employment Relations Commission to the parties and their representatives listed below:

BY: AMY RIGGS

CASE NUMBER: 130011-U-18

EMPLOYER: FEDERAL WAY SCHOOL DISTRICT

REP BY: TAMMY CAMPBELL  
FEDERAL WAY SCHOOL DISTRICT  
33330 8TH AVE S  
FEDERAL WAY, WA 98003  
tcampbel@fwps.org  
(253) 945-2010

PARTY 2: GLORIA BUTTS

REP BY: GLORIA BUTTS  
  
31621 8TH AVE S  
FEDERAL WAY, WA 98003  
gbutts431@yahoo.com  
(206) 249-1485

PARTY 3: INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 286

REP BY: RICHARD SPENCER  
INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 286  
18 E ST SW  
AUBURN, WA 98001  
richard@iuoe286.org  
(253) 351-9095