

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

KATHERINE CARTWRIGHT,

Complainant,

vs.

KING COUNTY,

Respondent.

CASE 132478-U-20

DECISION 13162 - PECB

ORDER OF DISMISSAL

On January 17, 2020, Katherine Cartwright filed a complaint charging unfair labor practices with the Public Employment Relations Commission under chapter 391-45 WAC, naming King County as respondent. The complaint was reviewed under WAC 391-45-110,<sup>1</sup> and a deficiency notice issued on January 30, 2020, indicated that it was not possible to conclude that a cause of action existed at that time. Cartwright was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case.

On February 21, 2020, Cartwright filed an amended complaint. The allegations in Cartwright's complaint and amended complaint are dismissed for failure to state causes of action.

**BACKGROUND**

Cartwright worked for King County (employer) as a transit operator. It appears from the documentation provided with the complaint and amended complaint that Cartwright was represented by the Amalgamated Transit Union Local 587 for purposes of collective bargaining.

Cartwright's complaint and amended complaint allege that between June 1, 2016, and June 24, 2019, she submitted numerous grievances that were never adjudicated by the employer.

---

<sup>1</sup> 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.

These grievances alleged that the employer violated provisions of the existing collective bargaining agreement; existing policies and procedures that were applicable to her position; provisions of the King County Code; and other state employment laws such as chapter 49 RCW.

According to the complaint and amended complaint, the employer terminated Cartwright after she invoked her right to use sick leave. Cartwright claims that she was denied due process during the investigatory process and that just cause was not applied in her situation. She claims that the employer violated Washington State's paid sick leave laws, RCW 49.46.210, chapter 3.12 of the King County code that prohibits discrimination in employment practices, chapter 3.04 of the King County code that requires just and equitable treatment, as well as numerous provisions of the existing collective bargaining agreement.

### ANALYSIS

Cartwright's complaint and amended complaint do not describe allegations that fit within the jurisdiction of the Commission.<sup>2</sup> This agency's jurisdiction is limited to the resolution of collective bargaining disputes between employers, employees, and unions. For example, this agency will process unfair labor practice complaints asserting an employer interference or discrimination against an employee exercising collective bargaining rights under an applicable statute, in this case, chapter 41.56 RCW.

The agency does not have authority to resolve all disputes that might arise in public employment. *Tacoma School District (Tacoma Education Association)*, Decision 5086-A (EDUC, 1995). Specifically, this agency cannot address Cartwright's alleged violations of RCW 49.46.210 or any of the provisions of the King County code.

---

<sup>2</sup> Additionally, most of the allegations appear to have occurred outside of the six-month statute of limitations. There is a six-month statute of limitations for unfair labor practice complaints. "[A] complaint shall not be processed for any unfair labor practice occurring more than six months before the filing of the complaint with the commission." RCW 41.56.160(1). The six-month statute of limitations begins to run when the complainant knows or should know of the violation. *City of Bellevue*, Decision 9343-A (PECB, 2007) (citing *City of Bremerton*, Decision 7739-A (PECB, 2003)). The start of the six-month period, also called the triggering event, occurs when a potential complainant has "actual or constructive notice" of the complained-of action. *Emergency Dispatch Center*, Decision 3255-B (PECB, 1990). Cartwright filed her original complaint on January 17, 2020, and therefore only those allegations that occurred after July 17, 2019, could be considered timely.

Just because the complaints do not state a cause of action for an unfair labor practice does not necessarily mean the allegations involve lawful activity. It means that the issues are not matters within the purview of the Commission. *Tacoma School District*, Decision 5086-A. Cartwright's claims that the employer violated RCW 49.46.210 or any of the provisions of the King County code need to be addressed in a different forum, such as the superior courts.

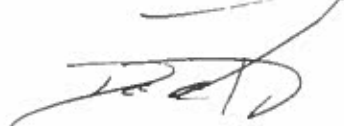
Cartwright's complaints also allege the employer violated provisions of the existing collective bargaining agreement when it terminated her. The Commission has consistently refused to resolve "violation of contract" allegations or attempts to enforce a provision of a collective bargaining agreement through the unfair labor practice provisions it administers. *Anacortes School District*, Decision 2464-A (EDUC, 1986) (citing *City of Walla Walla*, Decision 104 (PECB, 1976)). The Commission has consistently held that any remedy for a contract violation will have to come through the grievance and arbitration machinery of that contract or through the superior courts. *South Whidbey School District*, Decision 11134-A (EDUC, 2011).

#### ORDER

The complaint and amended complaint charging unfair labor practices in the above-captioned matter are DISMISSED for failure to state causes of action.

ISSUED at Olympia, Washington, this 3rd day of March, 2020.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



DARIO DE LA ROSA, Unfair Labor Practice Administrator

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under WAC 391-45-350.



# RECORD OF SERVICE

---

ISSUED ON 03/03/2020

DECISION 13162 - PECB has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

BY: AMY RIGGS

CASE 132478-U-20

EMPLOYER: KING COUNTY

REP BY: ROBERT S. RAILTON  
KING COUNTY OFFICE OF LABOR RELATIONS  
500 4TH AVE RM 450  
SEATTLE, WA 98104  
bob.railton@kingcounty.gov

SUSAN N. SLONECKER  
KING COUNTY  
KING COUNTY ADMINISTRATION BUILDING  
500 4TH AVE STE 900  
SEATTLE, WA 98104  
susan.slonecker@kingcounty.gov

PARTY 2: KATHERINE CARTWRIGHT

REP BY: KATHERINE CARTWRIGHT  
PO BOX 85451  
SEATTLE, WA 98145  
katcart@outlook.com