

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

HIM YEUNG,

Complainant,

vs.

KING COUNTY,

Respondent.

CASE 132932-U-20

DECISION 13242-A - PECB

DECISION OF COMMISSION

Him Yeung, the complainant.

Susan N. Slonecker, Senior Deputy Prosecuting Attorney, and *Kelsey Schirman*, Deputy Prosecuting Attorney, King County Prosecuting Attorney Daniel T. Satterberg for King County.

On July 24, 2020, Him Yeung (complainant) filed an unfair labor practice complaint against King County (employer). The complainant filed an amended complaint on July 29, 2020. An Unfair Labor Practice Administrator issued a deficiency notice on August 13, 2020. The complainant filed an amended complaint on September 3, 2020. After reviewing the filings, the Unfair Labor Practice Administrator dismissed the complaint on September 24, 2020. *King County*, Decision 13242 (PECB, 2020).

The complainant filed a timely appeal. The complainant's notice of appeal included arguments as to why a cause of action should be found. The complainant did not file an appeal brief. On November 2, 2020, the employer filed a response brief. On November 10, 2020, the complainant filed a motion to file a reply and a reply brief to the employer's response brief.

ISSUES

This appeal presents two questions. First, should we grant the complainant's motion to file the reply brief? Second, does the complaint state a cause of action, or in other words, whether the complainant has alleged sufficient facts to proceed to hearing?

ANALYSISApplicable Legal Standard*Standard of Review*

In unfair labor practice proceedings, the ultimate burdens of pleading, prosecution, and proof lie with the complainant. *State – Office of the Governor*, Decision 10948-A (PSRA, 2011) (citing *City of Seattle*, Decision 8313-B (PECB, 2004)). 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 facts are assumed true and provable. *Whatcom County*, Decision 8245-A (PECB, 2004).

CONCLUSION

We grant the complainant's motion to file a reply brief. We have reviewed the complaint, amended complaints, notice of appeal, and briefing. We agree with the Unfair Labor Practice Administrator, the complaints do not state a cause of action. We affirm the Unfair Labor Practice Administrator.

ORDER

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

ISSUED at Olympia, Washington, this 15th day of December, 2020.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARILYN GLENN SAYAN, Chairperson



MARK BUSTO, Commissioner



KENNETH J. PEDERSEN, Commissioner



RECORD OF SERVICE

ISSUED ON 12/15/2020

DECISION 13242-A - 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 132932-U-20

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