

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

AHMED ABDULLAHI AHMED,

Complainant,

vs.

KING COUNTY,

Respondent.

CASE 135762-U-22

DECISION 13590 - PECB

ORDER OF DISMISSAL

Ahmed Abdullahi Ahmed, the complainant.

Lynne J. Kalina, Senior Deputy Prosecuting Attorney, for King County.

On August 29, 2022, Ahmed Abdullahi Ahmed (complainant) filed an unfair labor practice complaint against King County (employer). The complaint was reviewed under WAC 391-45-110.¹ A deficiency notice issued on September 26, 2022, notified the complainant that a cause of action could not be found at that time. The complainant was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case.

No further information has been filed by the complainant. The Unfair Labor Practice Administrator dismisses the complaint for failure to state a cause of action.

ISSUE

The complaint alleges the following:

Employer religious discrimination.

¹ At this stage of the proceedings, all of the facts alleged in the complaint or amended 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.

The complaint is dismissed. The complaint does not includes facts alleging a violation within the Commission's jurisdiction.

BACKGROUND

Ahmed Abdullahi Ahmed (complainant) was a Corrections Officer at King County (employer) and represented by the King County Corrections Guild (union). On August 29, 2022, the complainant filed a complaint form with attached documents. In the email there was a summary of allegations. The complaint did not include a statement of facts with numbered paragraphs.

Based on the information in the email, the complainant is attempting to file an unfair labor practice for religious discrimination. On an unidentified date the complainant was terminated. On an unidentified date the complainant attempted to contest the matter and alleges that the employer did not consider the complainants written statement for the complainants Loudermill rights.

The email also provided information about an Equal Employment Opportunity Commission statement which identifies dates on November 29, 2021, and December 1, 2021. The complainant also alleged the employer violated the complainant's rights after requesting a religious exemption/accommodation under Title VII.

ANALYSIS

Complaints Must Contain a Statement of Facts and Six-Month Statute of Limitations and PERC Jurisdiction

Applicable Legal Standards

Complaints must contain a statement of facts with numbered paragraphs. The statement of facts should include the times, dates, places, and participants in occurrences. In this case the complainant only submitted the ULP complaint form.

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).

Application of Standard

In this case the complainant submitted the ULP complaint form, attached documents, and a summary in the email that was filed.

The complaint does not describe allegations that fit within the jurisdiction of the Commission. The Commission’s jurisdiction is limited to the resolution of collective bargaining disputes between employers, employees, and unions. 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). Just because the complaint does not state a cause of action for an unfair labor practice it 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 (Tacoma Education Association)*, Decision 5086-A.

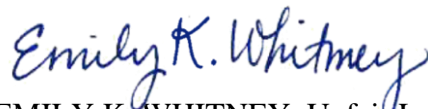
The complaint lacked a statement of facts describing allegations within the Commission’s jurisdiction and dates of occurrence. The complainant was provided an opportunity to correct the deficiency. An amended complaint was not filed. Because there are no facts alleging a violation within the Commission’s jurisdiction, the complaint must be dismissed.

ORDER

The complaint charging unfair labor practices in the above-captioned matter is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 8th day of November, 2022.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in blue ink that reads "Emily K. Whitney". The signature is written in a cursive style.

EMILY K. WHITNEY, 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 11/08/2022

DECISION 13590 - PECB has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

BY: DEBBIE BATES

CASE 135762-U-22

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