



**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

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PUBLIC EMPLOYMENT  
RELATIONS COMMISSION

**COMPLAINT CHARGING UNFAIR LABOR PRACTICES**

Form U-1 (9/2010)

Amended Complaint in Case \_\_\_\_\_

Filing instructions: [www.perc.wa.gov/Forms/U-1-inst.pdf](http://www.perc.wa.gov/Forms/U-1-inst.pdf)

Applicable Rules: Chapters 10-08, 391-08 and 391-45 WAC

**1. PARTIES** The complainant alleges the respondent has committed unfair labor practices in violation of state law.

**COMPLAINANT** Teamsters Local Union No. 117  
Contact Person Spencer Nathan Thal, General Counsel  
Address 14675 Interurban Avenue South, Suite 307  
City, State, ZIP Tukwila, WA, 98168-4614  
Telephone (206) 441-4860 Ext. 1238  
Fax (206) 441-3153  
E-Mail spencer.thal@teamsters117.org

**RESPONDENT** Washington State - Department of Corrections  
Contact Person Angela Roberts, Labor Relations Manager  
Address P.O. Box 41105  
City, State, ZIP Olympia, WA, 98504-1105  
Telephone (360) 725-8408 Ext. \_\_\_\_\_  
Fax (360) 664-0271  
E-Mail LRAdmin@doc1.wa.gov

**EMPLOYER** Washington State - Department of Corrections  
Contact Person Rick Hall, OFM Acting Director of Labor Relations  
Address P.O. Box 43113  
City, State, ZIP Olympia, WA, 98504-3113  
Telephone (360) 725-5167 Ext. \_\_\_\_\_  
Fax (360) 586-0793  
E-Mail rick.hall@ofm.wa.gov

**6. AUTHORIZED SIGNATURE FOR COMPLAINANT**

Print Name Spencer Nathan Thal  
Title General Counsel  
Address 14675 Interurban Avenue South, Suite 307  
City, State, ZIP Tukwila, WA, 98168-4614  
Telephone (206) 441-4860 Ext. 1238  
Fax (206) 441-3153  
E-Mail spencer.thal@teamsters117.org

Signature Spencer Nathan Thal Date 4 Oct 2012

**2. ALLEGED VIOLATION** Indicate all that apply.

**Against Employer:**

- Employer Interference with Employee Rights
- Employer Domination
  - Unlawful Assistance to Union
  - Unlawful Interference with Internal Union Affairs
- Employer Discrimination
- Employer Discrimination for Filing Charges with or Giving Testimony before PERC
- Employer Refusal to Bargain

**Against Union:**

- Union Interference with Employee Rights
- Union Inducing Employer to Commit Violation
- Union Discrimination for Filing Charges with or Giving Testimony before PERC
- Union Refusal to Bargain

**3. BARGAINING UNIT**

Department or Division: Dept. of Corrections-Prisons Div.  
Number of employees in unit: ~5800

**Current or Most Recent Collective Bargaining Agreement**  
Indicate one:

- The parties have never had a collective bargaining agreement;
- The collective bargaining agreement is attached; OR
- The collective bargaining agreement is on file with PERC.

**4. STATEMENT OF FACTS and REMEDY REQUESTED**

Attach separate sheets of paper setting forth clear and concise statements of the facts constituting the alleged unfair labor practices (including times, dates, places and participants) in numbered paragraphs, and setting forth the remedies requested for the claimed unfair labor practices.

**5. GRIEVANCE PROCEEDINGS** Indicate one.

- No grievance has been filed on the dispute involved in this unfair labor practice complaint.
- A grievance on the dispute involved in this complaint is being processed under a contractual grievance procedure.
- An arbitration award has been issued on a grievance related to this unfair labor practice complaint.

**PUBLIC EMPLOYMENT RELATIONS COMMISSION  
STATE OF WASHINGTON**

2012 OCT -4 PM 3: 10

PUBLIC EMPLOYMENT  
RELATIONS COMMISSION

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4 TEAMSTERS LOCAL UNION NO. 117

CASE NO.

5 Complainant,

COMPLAINT

6 and

7 WASHINGTON STATE DEPARTMENT  
8 OF CORRECTIONS,

9 Respondent.

10  
11 **STATEMENT OF FACTS**

12 1. The State of Washington ("State") is an Employer within the meaning of RCW  
13 41.80.005(8).

14 2. Teamsters Local Union No. 117 ("Local 117" or "the Union") is an employee  
15 organization within the meaning of RCW 41.80.005(7).

16 3. Local 117 is the certified collective bargaining representative of a supervisory  
17 bargaining unit of employees that work at the institutions in the Department of Corrections ("the  
18 supervisory bargaining unit"). The supervisory bargaining unit is primarily comprised of  
19 employees that work inside one of thirteen prisons across the state.  
20

21 4. Local 117 is the certified collective bargaining representative of a non-  
22 supervisory bargaining unit of employees that work at the institutions in the Department of  
23 Corrections ("the non-supervisory bargaining unit"). The non-supervisory bargaining unit is  
24 primarily comprised of employees that work inside one of eleven prisons across the state.  
25

26 5. The employees in the Local 117 bargaining units include not only correctional  
27 officers, but also administrative staff, technical staff, warehousemen, cooks, nurses, and virtually  
28

1 every other classification of work necessary to the safe and efficient functioning of the State's  
2 prisons. These employees are routinely subjected to physical and verbal assault by the inmates.

3 6. In June of 2012, the State and Local 117 began negotiating a successor labor  
4 agreement. The parties negotiated through the summer.

5  
6 7. On September 12 and 13, 2012, the parties completed bargaining over most issues  
7 related to hours and working conditions. The Union gave the State its initial economic proposal  
8 on September 13, 2012. In its proposal, and across the table, the Union informed the State that it  
9 sought to negotiate an agreement that recognized the extraordinarily unique work environment of  
10 prison employees. The Union also told the State that it was of paramount importance to the  
11 bargaining unit employees that our negotiated agreement address a compensation inequity gap  
12 that was created in 2007.

13  
14 8. By mid-September the State had settled its contracts with most other state  
15 employees Unions, including the Washington Federation of State Employees (WFSE), which is  
16 the largest state employee union, representing over 30,000 state workers. The core compensation  
17 settlement for all unions was the same: a new Step M effective July 1, 2013, for all employees  
18 who had been at Step L for six (6) years, a new Step U for employees in the "N2" salary  
19 schedule for all employees who had been at Step T for six (6) years, and a possible 1% increase  
20 July 1, 2014 triggered by a \$200 million increase in forecasted revenue. The State also gave  
21 WFSE a "me too" agreement, such that if any other state employee union negotiated an across  
22 the board wage increase or improvements in shift premiums and other compensation, the WFSE  
23 members would get the same increase.

24  
25  
26 9. On September 18, 2012, the State emailed its initial economic proposal to the  
27 Union. The State's compensation proposal was exactly what it had settled with the other Unions:  
28

1 a new Step M effective July 1, 2013, for all employees who had been at Step L for six (6) years,  
2 a new Step U for employees in the "N2" salary schedule for all employees who had been at Step  
3 T for six (6) years, and a possible 1% increase July 1, 2014, triggered by a \$200 million increase  
4 in forecasted revenue.

5  
6 10. Also on September 18, 2012, the Union made a number of information requests to  
7 the State, asking for the costing of its proposal, the number of bargaining unit members who  
8 would receive an increase under the State's proposal, and the costing of the Union's initial  
9 proposals. The Union also reiterated to the State that our members' priority was to start to close  
10 the compensation inequity that was created in 2007.

11  
12 11. Under state law, a collective bargaining agreement must be ratified by October 1  
13 or it will not be included in the Governor's budget with a request for funding.

14  
15 12. The Union and the State met again for negotiations on September 26 and 27. The  
16 several remaining language issues were resolved on September 27. On September 26 and 27, the  
17 Union continued to ask for costing information from the State.

18  
19 13. On September 27, The Union repeatedly told the State that Local 117 was not  
20 interested in the Step M proposal. The State's proposal did not address either of the Union's two  
21 priorities: recognition of the unique risks inherent in working inside a prison and curing the  
22 compensation gap that resulted in some bargaining unit employees receiving higher  
23 compensation than others who performed the same work under the same conditions.

24  
25 14. The State refused to engage in any negotiations with the Union over core  
26 compensation. In fact, the State asserted across the table that the decision had been made that  
27 this was what the compensation package was going to be and that there would be no deviation.  
28 The State refused to even consider a cost-neutral proposal from the Union, wherein the dollars

1 allocated for the Step M increase would simply be spread across the bargaining units in a manner  
2 that at least began to address the compensation inequity.

3 15. The State gave the Union its "best and final offer" at approximately 8:00 pm.  
4 That core economics of that offer was precisely what the State had proposed in its initial  
5 economic proposal.  
6

7 16. The State demonstrated an unwillingness to engage in any give-and-take or other  
8 real bargaining regarding economic issues. Instead, the State effectively presented Local 117  
9 with a "take-it-or-leave-it" offer that was pre-constructed at the beginning of negotiations and  
10 from which there is no deviation or willingness to consider deviation.  
11

12 17. This approach to collective bargaining is designed to and has the effect of turning  
13 collecting bargaining into a charade. This in turn undermines the Union in the eyes of its  
14 membership, leads to a breakdown in negotiations, and deprives the Union and its members of  
15 their statutory right to engage in meaningful, good faith collective bargaining.  
16

17 18. The State's bad faith approach to collective bargaining on economic issues, which  
18 includes both pattern bargaining, thinly-veiled Boulwarism in the form of take-it-or-leave-it  
19 bargaining and refusals to bargain, has disrupted the morale of bargaining unit employees, has  
20 disrupted the balance of power, and has eroded union support.  
21

22 19. The Union has repeatedly demanded that the State change its approach and  
23 engage in good faith bargaining, but the State has persisted.

24 20. Because of the October 1 statutory deadline, the State put the Union in an  
25 impossible situation. The Union was forced to vote the State's best and final offer over the  
26 weekend (September 28-September 30) to that the Governor's budget would fund the  
27 compensation increases offered by the State.  
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**VIOLATIONS ASSERTED**

The Union alleges the following violations:

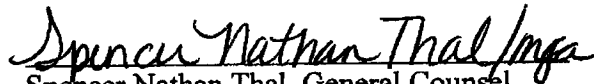
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1. Violation of RCW 41.80.110(1)(a) for employer interference with employee rights based on the allegations above;
  2. Violation of RCW 41.80.110(e) for failing and refusing to engage in good faith collective bargaining as described above.

**REMEDY REQUESTED**

Teamsters Local Union No. 117 requests the following remedies:

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1. An order holding that the State has violated RCW 41.80.110(1)(a) and (e) by failing and refusing to engage in good faith collective bargaining for a new collective bargaining agreement by the acts described above;
  2. An order precluding the State from continuing to engage in any of the unlawful behavior and an order requiring the appropriate notice posting; and
  3. Such other relief that the Commission deems just and equitable.

RESPECTFULLY SUBMITTED this 4th day of October, 2012.



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*Attorney for the Complainant*