



PUBLIC EMPLOYMENT RELATIONS COMMISSION

112 Henry Street NE, Suite 300, Olympia WA 98506

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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

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 Julie Moultime, Labor Relations Manager

Address P.O. Box 41105

City, State, ZIP Olympia, WA, 98504-1105

Telephone (360) 725-8408 Ext. _____

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EMPLOYER Washington State - Department of Corrections

Contact Person Rick Hall, Director of OFM

Address P.O. Box 43113

City, State, ZIP Olympia, WA, 98504-3113

Telephone (360) 725-5167 Ext. _____

Fax (360) 586-0793

E-Mail labor.relations@ofm.wa.gov

6. AUTHORIZED SIGNATURE FOR COMPLAINANT

Print Name Spencer Nathan Thal

Title General Counsel

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City, State, ZIP Tukwila, WA, 98168-4614

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Signature *Spencer N. Thal* **Date** 01/13/16

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.

STATEMENT OF FACTS

Upon information and belief, the Union submits the following statement of facts:

1. The State of Washington (“State” or “Employer”) is an Employer within the meaning of RCW 41.80.005(8).

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

3. Local 117 is the certified collective bargaining representative of multiple bargaining units of employees that work at the institutions in the State Department of Corrections (“DOC” or “Department”) including Clallam Bay Corrections Center (“CBCC”).

4. Local 117 and the State are parties to a Collective Bargaining Agreement (“CBA”), dated July 1, 2013 through June 30, 2015, that was negotiated under the provisions of RCW 41.80. A true and correct copy of this CBA is on file with PERC.

5. RCW 41.80.110(1)(a) prohibits the State from interfering with, restraining, or coercing any employee in the exercise of the rights guaranteed in RCW 41.80, including engaging in lawfully protected union activity.

6. On December 8, 2015 at approximately 11:50 a.m., Union Business Representatives Eric Smith and Talisa Boad arrived at CBCC for a scheduled on-site membership meeting at 12:00 p.m. on-site in the visitation room.

7. The start of the meeting was delayed by approximately twenty (20) minutes because of an offender/attorney visit that was occurring in the visitation room.

8. At the beginning of the meeting, Lieutenant Robert Monger entered the meeting and asked about it.

9. During the course of the meeting, Captain Edwin Reetz, Associate Superintendent Michael Tupper and Shift Lieutenant Robert Monger were visibly pacing back and forth outside the visiting room as Mr. Smith and Ms. Boad were attempting to conduct the membership meeting.

10. At approximately 12:40 p.m. the membership meeting was interrupted by a phone call from Captain Edwin Reetz. During the course of the telephone call, Captain Reetz demanded "leave slips" from members attending the meeting.

11. Near the end of the meeting, Lieutenant Monger entered the meeting and did not say anything to anyone.

12. After the meeting concluded, and while Ms. Boad was speaking with members, Mr. Tupper interrupted her and challenged Ms. Boad in front of members regarding the length of the membership meeting and the need for leave slips for everyone who attended the meeting.

13. Mr. Tupper then left the room and was visibly angry with members who had attended the meeting.

14. The behavior of management before, during and after a union membership meeting was designed to have a chilling effect on union activity, and did have that effect on members.

VIOLATION ASSERTED

The Union alleges a violation of RCW 41.80.110(1)(a) for interfering with, restraining, or coercing bargaining unit members in the exercise of their rights protected in RCW 41.80.

REMEDY REQUESTED

The Union requests the following remedies for the aforementioned violations:

1. Findings of fact and conclusions of law consistent with the foregoing;
2. An order holding that the Employer has violated RCW 41.80.110(1)(a) by interfering with, restraining, or coercing bargaining unit members in the exercise of their rights protected in RCW 41.80;
3. An order precluding the Employer from continuing to engage in any of the unlawful behavior alleged herein;
4. An order requiring the Employer to comply with the appropriate notice, posting, publication, and reading of the findings;
5. An order to award the Union reimbursement of attorneys' fees and costs associated with bringing this action and any additional proceedings from this case; and
6. Such other relief that the Commission deems just and equitable.

RESPECTFULLY SUBMITTED this 13th day of January, 2016.

TEAMSTERS LOCAL UNION NO. 117



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Attorney for Complainant

CERTIFICATE OF SERVICE

I certify that on this 13th day of January 2016, I caused the original of Teamsters Local Union No. 117's Complaint Charging Unfair Labor Practices (with attachments) to be sent via email and first-class mail, postage prepaid to:

Public Employment Relations Commission
P.O. Box 40919
Olympia, WA 98504-0919
filing@perc.wa.gov

and copies (with attachments) were sent via email and first-class mail, postage prepaid to:

Mr. Rick Hall
Director
Office of Financial Management
Labor Relations
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Ms. Julie A. Moulton
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Washington State Department of Corrections
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TEAMSTERS LOCAL UNION NO. 117



Meghan J. Allen, Paralegal