

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

ANDREW PRICE,

Complainant,

vs.

KING COUNTY,

Respondent.

CASE 143357-U-25

DECISION 14198 - PECB

CAUSE OF ACTION STATEMENT
AND ORDER OF PARTIAL
DISMISSAL

Andrew Price, complainant.

Susan N. Slonecker, Senior Deputy Prosecuting Attorney, for King County.

On July 17, 2025, Andrew Price (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 July 31, 2025, notified Price that a cause of action could not be found at that time. Price was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the deficient allegations.

On August 1, 2025, Price filed an amended complaint. The Unfair Labor Practice Administrator dismisses the deficient allegations and issues a cause of action statement for other allegations of the amended complaint.

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.

ISSUES

The amended complaint alleges the following:

Employer interference with employee rights in violation of RCW 41.56.140(1) within six months of the date the complaint was filed, by denying Andrew Price's right to union representation (*Weingarten* right) by requiring Price's union representative to remain silent during an investigatory interview.

Employer discrimination in violation of RCW 41.56.140(3) [and if so, derivative interference in violation of RCW 41.56.150(1)] within six months of the date the complaint was filed, by unidentified action related to Andrew Price providing unidentified testimony before the Commission or filing an unfair labor practice.

The interference allegation of the amended complaint states a cause of action under WAC 391-45-110(2) for further case proceedings before the Commission.

The discrimination allegation of the amended complaint does not state a cause of action and is dismissed.

BACKGROUND

On April 3, 2025, Andrew Price was summoned to a meeting with the employer regarding a customer complaint. A shop steward, Tzur Wilfand, was in attendance of the meeting. During the meeting the employer told Wilfand that he was not allowed to speak during the meeting. The employer reviewed video footage with Price and Wilfand. During the video, Price identified where he had stopped, but the employer dismissed Price's observation. Price was allowed to record the video during the meeting. After reviewing and discussing the video with Price, the employer issued a written counseling performance report to Price. Later, on an unidentified date, Price reviewed the recording he had taken during the meeting. Price asserts the video shows that Price stopped. On April 28, 2025, Price filed a grievance challenging the issuance of the counseling performance report. The employer failed to provide a written response to the grievance within 15 days, by

May 9, 2025, as required by the collective bargaining agreement. On June 4, 2025, Price sent the Superintendent an email notifying the Superintendent that the employer had failed to respond under the collective bargaining agreement. The Superintendent directed Price to contact the union. Price allegedly did not receive notification that the counseling performance report was rescinded, retracted, or reviewed.

ANALYSIS

Applicable Legal Standard

Under RCW 41.56.140(3) it is an unfair labor practice for public employer “[t]o discriminate against a public employee who has filed an unfair labor practice charge.”

A violation concerning discrimination for filing unfair labor practice charges cannot stand absent allegations that the discriminate has previously filed an unfair labor practice complaint with the Commission. *Pierce Transit*, Decision 9074 (PECB, 2005). An employer unlawfully discriminates against an employee when it takes action in reprisal for the employee’s exercise of rights protected by chapter 41.56 RCW. The complainant maintains the burden of proof in discrimination cases. To prove discrimination, the complainant must first set forth a prima facie case establishing the following:

1. The employee(s) participated in an activity protected by the collective bargaining statute, or communicated to the employer the intent to do so;
2. The employer deprived the employee(s) of some ascertainable right, benefit, or status; and,
3. A causal connection exists between the employee’s exercise of a protected activity and the employer’s action.

Ordinarily, an employee may use circumstantial evidence to establish the prima facie case because respondents do not typically announce a discriminatory motive for their actions. *Clark County*, Decision 9127-A (PECB, 2007). Circumstantial evidence consists of proof of facts or circumstances which according to common experience give rise to a reasonable inference of the

truth of the fact sought to be proved. *See Seattle Public Health Hospital (AFGE Local 1170)*, Decision 1911-C (PECB, 1984).

Application of Standard

The complaint or amended complaint does not contain factual allegations describing Price's involvement with filing a ULP charge and the employer taking some action against Price after the filing of the ULP. The complaint or amended complaint asserts the employer acted in bad faith, failed to respond to a grievance, and refused to follow the collective bargaining agreement. There are no facts asserting that Price filed a ULP or provided testimony at a hearing before the Commission, that the employer took some action, and that action was causally connected to the ULP filing or testimony. Because the complaint lacks facts asserting a discrimination violation, it must be dismissed.

ORDER

1. Assuming all of the facts alleged to be true and provable, the interference allegation of the amended complaint states a cause of action, summarized as follows:

Employer interference with employee rights in violation of RCW 41.56.140(1) within six months of the date the complaint was filed, by denying Andrew Price's right to union representation (*Weingarten* right) by requiring Price's union representative to remain silent during an investigatory interview.

This allegation will be the subject of further proceedings under chapter 391-45 WAC.

2. The respondent shall file and serve an answer to the allegation listed in paragraph 1 of this order within 21 days following the date of this order. The answer shall
 - (a) specifically admit, deny, or explain each fact alleged in the amended complaint, except if the respondent states it is without knowledge of the fact, that statement will operate as a denial; and

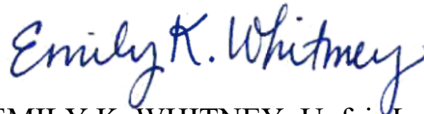
- (b) assert any affirmative defenses that are claimed to exist in the matter.

The answer shall be filed and served in accordance with WAC 391-08-120. Except for good cause shown, if the respondent fails to file a timely answer or to file an answer that specifically denies or explains facts alleged in the amended complaint, the respondent will be deemed to have admitted and waived its right to a hearing on those facts. WAC 391-45-210.

3. The allegation of the amended complaint concerning discrimination under RCW 41.56.14093) is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 3rd day of September, 2025.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



EMILY K. WHITNEY, Unfair Labor Practice Administrator

Paragraph 3 of this order will be the final order of the agency on any defective allegations, unless a notice of appeal is filed with the Commission under WAC 391-45-350.



RECORD OF SERVICE

ISSUED ON 9/03/2025

DECISION 14198 - PECB has been served electronically by the Public Employment Relations Commission to the parties and their representatives listed below. If no email address was provided, a paper copy was sent to the mailing address.

BY: DEBBIE BATES

CASE 143357-U-25

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