

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

RENEE G. DECKER,

Complainant,

vs.

PALAMERICAN SECURITY,

Respondent.

CASE 143327-U-25

DECISION 14207 - PRIV

ORDER OF DISMISSAL

Renee G. Decker, complainant.

Cory Tordillos, Director of Operations, WA, for PalAmerican Security.

On July 7, 2025, Renee Gillian Decker (complainant) filed an unfair labor practice complaint against PalAmerican Security. The complaint was reviewed under WAC 391-45-110.¹ A deficiency notice issued on July 30, 2025, notified Decker that a cause of action could not be found at that time. Decker 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 Decker. The Unfair Labor Practice Administrator dismisses the complaint for failure to state a cause of action.

ISSUE

The complaint did not allege any specific violation.

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 because the employer is not a public employer under RCW 41.56 and PERC does not have jurisdiction over claims filed against PalAmerican.

BACKGROUND

The filing did not include a statement of facts. A “PalAmerican Security Corrective Action Report” was submitted. The report identified corrective action and reasons for the corrective action.

ANALYSIS

Applicable Legal Standard

Contents of the Complaint

In unfair labor practice proceedings before the Commission, 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)). To meet their obligation, the complainant merely must provide “a simple, concise statement of the claim and the relief sought.” *Shooting Park Ass’n v. City of Sequim*, 158 Wn.2d 342, 352 (2006) (citing CR 8(a)); *see also* WAC 391-45-050(2) (the Commission’s requirement of “notice pleading”). Thus, to meet the burden of pleading, the Commission requires a complainant to file an unfair labor practice complaint form and, “in separate numbered paragraphs,” provide a clear and concise statement of the facts constituting the alleged unfair labor practice. WAC 391-45-050; *Apostolis v. City of Seattle*, 101 Wn. App. 300, 306-307 (2000). *City of Seattle*, Decision 4057-A (PECB, 1993).

Complainants must allege facts addressing the basic elements of a cause of action. *Kitsap County*, Decision 12022-A (PECB, 2014). A complainant must describe the facts with sufficient clarity for agency staff to determine whether a cause of action exists “and then sufficient to put the respondent on notice of the charges that it will be expected to” defend against. *Thurston Fire District 3*, Decision 3830 (PECB, 1991). Thus, for example, those facts must include the time, place, date, and participants in all occurrences. WAC 391-45-050(2)(a). The agency staff reviewing the complaint are not empowered “to fill in gaps in a complaint.” *City of Tacoma*, Decision 4053-B (PECB, 1992); *South Whidbey School District*, Decision 10880-A (EDUC, 2011) (citing *Jefferson Transit Authority*, Decision 5928 (PECB, 1997)). In other words, a complainant must connect the

dots by alleging sufficient facts that would support finding a violation and identifying the violation alleged.

PERC Jurisdiction

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 public employers, employees, and unions. PERC only has jurisdiction over a bargaining representative if the complainant is either a public employer or public employee. Under Washington State law, a public employer "means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body." RCW 41.56.030(13). Under Washington State law a public employee is "any employee of a public employer. . . ." RCW 41.56.030(12). 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

Application of Standard

The filing indicates that Decker is an employee of PalAmerican Security. PalAmerican Security is not a public employer within the definition of RCW 41.56.030(13). The filing asserts that Decker is assigned to Sound Transit. While Sound Transit is a public employer as defined by RCW 41.56.030(13), Decker is employed by PalAmerican Security and assigned to Sound Transit. Thus, Decker also does not meet the definition of public employee under RCW 41.56.030(12). Because Decker is not a public employee, and PalAmerican Security is not a public employer, PERC does not have jurisdiction over the complaint.

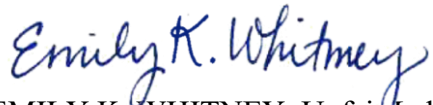
Even if PERC had jurisdiction over the filing, the filing lacks a statement of facts. A statement of facts is necessary to determine if a violation has been alleged. Decker was provided an opportunity to withdraw or amend the complaint. Decker did not withdraw or file an amended complaint. Thus, the 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 18th day of September, 2025.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in blue ink that reads "Emily K. Whitney". The signature is written in a cursive, flowing 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 9/18/2025

DECISION 14207 - PRIV 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 143327-U-25

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