

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

CASSANDRA JACKSON,

Complainant,

vs.

LAKE WASHINGTON SCHOOL DISTRICT,

Respondent.

CASE 143384-U-25

DECISION 14209 - EDUC

ORDER OF DISMISSAL

Cassandra Jackson, the complainant.

David Seeley, Attorney at Law, Peterson Russell Kelly Livengood PLLC for the
Lake Washington School District.

On July 22, 2025, Cassandra Jackson (complainant) filed an unfair labor practice complaint against the Lake Washington School District (employer). The complaint was reviewed under WAC 391-45-110.¹ A deficiency notice issued on August 8, 2025, notified Jackson that a cause of action could not be found at that time. Jackson was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case. Jackson filed no further information.

ISSUE

The complaint alleges the following:

Unidentified unfair labor practices.

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 complaint fails to allege facts demonstrating how the employer committed an unfair labor practice within the meaning of chapter 41.59 RCW.

BACKGROUND

Jackson was hired by the Lake Washington School District (employer) on December 3, 2024, to work as a special education teacher at Albert Einstein Elementary. Her position was represented by the union for purposes of collective bargaining.

According to the complaint, Jackson attended new employee training on February 21, 2025. Jackson asserts that no one from the union was present at this training and the union did not contact her after she was hired or in the time leading up to the orientation.

Jackson asserted that on March 11, 2025, she filed a grievance regarding a discriminatory action taken toward her from another unidentified teacher. The unidentified teacher allegedly used derogatory language and slurs about students with disabilities and when addressed used “gendered slurs” against Jackson. Jackson also alleged the unidentified teacher has a similar ethnic background as the building administrator and benefited continually because of favoritism from the building administrator. The complaint did not identify the building administrator. The complaint claimed that these actions were taken in front of other teachers, staff, and building administrators but does not identify those in attendance.

Finally, Jackson asserted that the Director of Staffing extended the timeline for Jackson to renew her teaching contract from June 13, 2025, to June 30, 2025. The complaint did not identify the Director of Staffing but does indicate that Special Education Supervisor Craig Mott was included in this communication. It appears that Jackson had asked the employer to be transferred to a new school, but the complaint is not clear as to whom Jackson made this request to. On June 30, 2025, the employer issued a new employment contract that placed Jackson at Albert Einstein Elementary. Jackson asserts that Mott did not communicate with her during this time. Jackson ultimately resigned from the district.

ANALYSIS

Discrimination

Applicable Legal Standards

Jackson's complaint alleges that an unidentified employee committed discriminatory actions against Jackson and the employer took no action. Jackson has not alleged the employer or an employer official made discriminatory statements. Discriminatory statements made by other employees do not by themselves constitute an employer discrimination violation of chapter 41.59 RCW. For example, in order to demonstrate an employer discrimination violation under chapter 41.59 RCW, the complaint must first demonstrate a prima facie case exists that establishes 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

Jackson's complaint must be dismissed because she has not alleged a prima facie case for employer discrimination. RCW 41.59.060 grants certificated employees the right "to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities." Those rights are enforced through the unfair labor practice provisions found at RCW 41.59.140.

For example, RCW 41.59.140(1)(c) makes it an unfair labor practice to “encourage or discourage membership in any employee organization by discrimination in regard to hire, tenure of employment or any term or condition of employment.” Although Jackson alleges that she was arguably deprived of a right or benefit when the employer issued a new employment contract that placed Jackson at Albert Einstein Elementary, Jackson’s complaint does not allege facts demonstrating that Jackson participated in an activity protected by chapter 41.59 RCW and that there was a causal connection between the exercise of that activity and the employer’s adverse employment actions. Absent such facts, the complaint must be dismissed.²

Finally, it is worth noting that PERC’s jurisdiction is limited to labor relations disputes. The agency does not have authority to resolve all disputes that might arise in public employment, such as allegations that an employer discriminated against an employee because of race, national origin and/or ethnicity, sex, color, or disability. 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 PERC. *Tacoma School District (Tacoma Education Association)*, Decision 5086-A (EDUC, 1995).

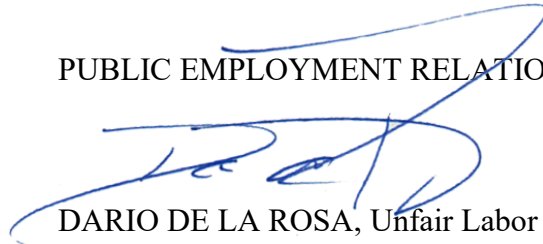
² Jackson complaint also lacked sufficient detail as required by WAC 391-45-050, including the times, dates, places, and participants in occurrences. A complainant must describe the facts with sufficient clarity for agency staff to determine whether a cause of action exists “and then sufficient to put the respondent on notice of the charges that it will be expected to” defend against. *Thurston Fire District 3*, Decision 3830 (PECB, 1991). 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)).

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



DARIO DE LA ROSA, 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 14209 - EDUC 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 143384-U-25

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