

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

DARYL PREVO,

Complainant,

vs.

SEATTLE SCHOOL DISTRICT,

Respondent.

CASE 143365-U-25

DECISION 14210 - PECB

ORDER OF DISMISSAL

Daryl Prevo, the complainant.

Tina Meade, Director of Labor Relations, for the Seattle School District.

On July 17, 2025, Daryl Prevo (complainant) filed an unfair labor practice complaint against the Seattle School District (employer). The complaint was reviewed under WAC 391-45-110.¹ A deficiency notice issued on August 8, 2025, notified Prevo that a cause of action could not be found at that time. Prevo was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case.

On August 28, 2025, Prevo filed an amended complaint with additional attachments. The unfair labor practice administrator dismisses the amended complaint for failure to state a cause of action.

ISSUE

The amended complaint alleges the following:

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.

Denial of an opportunity of full employment.

The amended complaint is dismissed because it does not allege violations that can be filed with PERC.

BACKGROUND

Prevo is a member of the International Brotherhood of Electrical Workers Local 46. According to the complaint Prevo has never been employed by Seattle School District. On August 28, 2025, Prevo filed an amended complaint with attachments. On September 2 and 3, 2025, PERC received mailed copies of the same documents.

On March 14, 2025, and June 20, 2025, two union dispatches, Prevo was allegedly denied full employment. The complaint alleges there is a fraudulently manufactured employee number. The complaint also states, “disbursement of payroll under said employee number (835829), supposed show up compensation, and subsequent turn around, and denial of full employment.” Prevo asserts the employer acted arbitrarily when it denied Prevo employment.

ANALYSIS

Complaint Requirements & PERC’s Jurisdiction

Applicable Legal Standards

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.

The Commission’s jurisdiction is limited to the resolution of collective bargaining disputes between public employers, employees, and unions. 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). PERC has jurisdiction over public employees and public employers. 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).

Just because a 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 Standards

The amended complaint states the employer denied Prevo’s employment on March 14, 2025, and June 20, 2025. It also states Prevo was not employed by the employer. It appears Prevo is not a public employee within the meaning of RCW 41.56.030(12). The amended complaint states Prevo has “never been employed by the named employer.” Without a factual allegation demonstrating

that Prevo is a public employee within the meaning of RCW 41.56.030(12), the complaint must be dismissed because Prevo lacks standing to file a claim with PERC.

Even if Prevo is a public employee, the amended complaint lacks facts alleging a violation that can be filed with PERC. Individual employees can file certain types of violations against the employer including the following: interference, discrimination for protected activity, and domination. The deficiency notice notified Prevo of these types of violations and directed Prevo to PERC's website for more information on the types of violations that can be filed with PERC.

The amended complaint alleges that Prevo was denied full employment, but does not allege any facts related to interference, discrimination, or domination. PERC does not have jurisdiction over general denial of employment claims. Because there are no allegations asserting violations that can be filed with PERC, the amended complaint must be dismissed.

ORDER

The amended 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 23rd day of September, 2025.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



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 9/23/2025

DECISION 14210 - 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 143365-U-25

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