

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

KHADIJAH AL-SHAMI,

Complainant,

vs.

KENT SCHOOL DISTRICT,

Respondent.

CASE 143120-U-25

DECISION 14143-A - EDUC

DECISION OF COMMISSION

Khadijah Al-Shami, the complainant.

Curtis M. Leonard, Attorney at Law, Pacifica Law Group, for the Kent School District.

SUMMARY OF DECISION

The Commission upholds the executive director’s decision dismissing the allegation that the Kent School District (district) discriminated against Khadijah Al-Shami for filing a complaint on December 7, 2024. Filing a complaint under the district’s nondiscrimination policy was not activity protected by chapter 41.59 RCW, therefore, Al-Shami has not alleged facts that state a cause of action for discrimination or retaliation under chapter 41.59 RCW. The executive director issued a cause of action on the allegation that the district discriminated against Al-Shami for filing a grievance. Therefore, we remand this case to the executive director for further processing.

ALLEGATIONS OF THE COMPLAINTS

Al-Shami alleged that on December 7, 2024, she had filed a complaint with the district stating that the district had discriminated against her for engaging in activity related to equity-focused leadership aligned with Indigenous identity. After filing the December 7, 2024, complaint, Al-Shami experienced adverse changes in her working conditions including a lower evaluation score, interference in the hiring process, and increased scrutiny. On appeal, Al-Shami argues that she was a union-represented employee challenging workplace conditions. According to Al-Shami, this renders the December 7, 2024, complaint protected activity.

ANALYSIS

Standard of Review

An unfair labor practice complaint is reviewed under WAC 391-45-110 to determine whether the facts, as alleged, state a cause of action under the collective bargaining statute. *Federal Way School District*, Decision 13809-A (PECB, 2024); *see also* RCW 34.05.419. During this initial review, all facts are assumed true and provable. *Whatcom County*, Decision 8245-A (PECB, 2004) at 3. The initial review allows the agency to identify complaints that the agency cannot remedy. *See* RCW 34.05.416. In deciding whether complaints dismissed at the preliminary review stage state a cause of action, the Commission is in the same position as the executive director and reviews only the evidence presented with the complaint that has been considered by the executive director. *Port of Everett*, Decision 12641-A (PORT, 2017); *King County*, Decision 11221-A (PECB, 2011).

Application of Legal Standards

The name “Public Employment Relations Commission” is sometimes interpreted to imply a broader scope of authority than the legislature conferred upon the agency. *King County*, Decision 13162-A (PECB, 2020) at 4; *Ben Franklin Transit*, Decision 13649-A (PECB, 2023) at 4. However, the agency’s jurisdiction is limited to labor disputes arising between public employers, public employees, and unions representing those employees under Washington’s collective bargaining laws. *Id.* The Commission cannot remedy all disputes arising within public employment. *Id.* Therefore, the question before us is whether the executive director properly dismissed the portion of the complaint that asserted retaliation for filing a complaint alleging a violation of the district’s nondiscrimination policy.

Complainants must allege facts addressing the basic elements of a cause of action. *Kitsap County*, Decision 12022-A (PECB, 2014); *Seattle Colleges*, Decision 13762-A (CCOL, 2024). Accordingly, to establish a cause of action for discrimination, Al-Shami must have alleged that she engaged in activity protected by Washington’s collective bargaining statutes. *City of Vancouver v. Public Employment Relations Commission*, 180 Wn. App. 333, 347 (2014); *Brinnon School District*, Decision 7210-A (PECB, 2001).

In this case, Al-Shami alleged that she had filed a complaint with the district alleging a violation of the district's nondiscrimination policy. While Al-Shami's December 7, 2024, complaint arose out of her workplace, not all workplace complaints are protected activity under Washington's collective bargaining statutes. Employers may adopt policies covering a broad range of issues and procedures for addressing alleged violations of those policies. We agree with the executive director that filing a complaint with the district about nondiscrimination policy is not protected activity within the scope of chapter 41.59 RCW. Accordingly, Al-Shami has not alleged sufficient facts to issue a cause of action for discrimination in violation of RCW 41.59.140(1)(a). We affirm the executive director and remand for further processing of the complaint.

ORDER

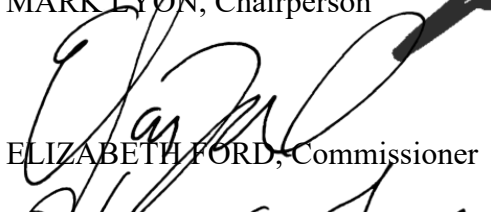
The order of partial dismissal issued by Executive Director Michael P. Sellars is AFFIRMED and adopted as the order of the Commission. The case is remanded to the executive director for assignment of an examiner to rule on the issues found to state a cause of action.

ISSUED at Olympia, Washington, this 29th day of September, 2025.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARK LYON, Chairperson



ELIZABETH FORD, Commissioner



HENRY E. FARBER, Commissioner