



PUBLIC EMPLOYMENT RELATIONS COMMISSION
 112 Henry Street NE, Suite 300, Olympia WA 98506
 PO Box 40919, Olympia WA 98504-0919
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UNFAIR LABOR PRACTICE COMPLAINT

Amended Complaint in Case # _____ Applicable Rules: Chapters 10-08, 391-08, and 391-45 WAC

PARTIES Include information for all parties involved.

COMPLAINANT WSCCCE Local 1811-M
 Contact Matthew Miller
 Address 3305 Oakes Ave
 City, State, ZIP Everett, WA 98201
 Telephone 425-303-8818 Ext. _____
 Email matthewm@council2.com

RESPONDENT Summit Law
 Contact Peter Altman
 Address 315 Fifth Ave S Suite 1000
 City, State, ZIP Seattle, Washington 98104
 Telephone 206-676-7000 Ext. _____
 Email petera@summitlaw.com

EMPLOYER City of Mill Creek
 Contact Rebecca Polizzoto
 Address 15728 Main St.
 City, State, ZIP Mill Creek, WA 98012
 Telephone 425-745-6175 Ext. _____
 Email rebeccap@millcreek.com

ALLEGED VIOLATION

Indicate if the alleged violation is against:

Employer Union Both*

*Note: If the violation is against both the union and employer, two separate complaints must be filed with two statements of facts describing the alleged violation against each.

STATEMENT OF FACTS and REMEDY REQUESTED

Attach on separate sheets of paper in numbered paragraphs a brief statement of the facts regarding the alleged unfair labor practice(s).

- Include times, dates, places, and participants of occurrences.
- Indicate statutes allegedly violated.
- State whether a related grievance has been filed.
- Describe the remedies requested.
- For more information refer to WAC 391-45-050.

BARGAINING UNIT

*Note: If the alleged violation relates to more than one bargaining unit, a separate complaint must be filed for each unit.

Identify Bargaining Unit General Unit

Department or Division _____

Collective Bargaining Agreement

- The parties have never had a contract.
 A copy of the most current contract is attached.

AUTHORIZED SIGNATURE FOR COMPLAINANT

Print Name Matthew Miller
 Address 3305 Oakes Ave
 City, State, ZIP Everett, WA 98201

Telephone 425-303-8818 Ext. _____
 Email matthewm@council2.com
 Signature [Handwritten Signature] Date 6/27/17

Unfair Labor Practice Complaint
Local 1811-M
June 2017

STATEMENT OF FACTS

(1) On April 14th, 2017 approximately 11 am: The Employer and Union held a negotiations session for a successor collective bargaining agreement. The Employer stated that one of the union bargaining team members (Jodie Gunderson) was going to be reclassified. When President Kim Mason-Hatt inquired about what would happen to the employee, Finance Director Peggy Lauerman responded that bargaining team representative Jodie Gunderson could apply for a newly created Accountant position, she added that Jodie Gunderson did not have the required job qualifications for the position. The resulting action would essentially mean the employee would be laid off.

a. Witnesses:

- i. Union Staff Representative Matthew Miller,
- ii. Union President Kim Mason-Hatt,
- iii. Union Vice President Cris Risen,
- iv. Union Bargaining Team Member Jodie Gunderson,
- v. Employer Labor Attorney: Peter Altman
- vi. Employer Finance Director: Peggy Lauerman
- vii. Employer Police Chief: Greg Elwin
- viii. Employer Human Resources Director: Laura Orlando

(2) The discovery of this new information clearly lead to the Union Leadership being distraught and the bargaining session was ended for the day. As the Union Leadership and Staff Representative Miller met to discuss the meaning of the Employer's statement and actions during negotiations Police Chief Elwin came into Vice President Risen office and attempted communication. Vice President Risen stated she was incapable of having a discussion and asked for the Police Chief Elwin to stop. After Vice President Risen repeated her request, Police Chief Elwin persisted and Staff Representative Miller had to step in and ask Police Chief Elwin to leave several times. Eventually, Police Chief removed himself from the office.

a. Witnesses

- i. Union Staff Representative Matthew Miller
- ii. Union President Kim Mason-Hatt
- iii. Union Vice President Cris Risen
- iv. Union Bargaining Team Representative Jodie Gunderson
- v. Employer Police Chief Greg Elwin

(3) As Police Chief Elwin walked down the hall next to the Vice President Risen office there was loud banging on the wall moving away from the office. This was loud enough that all conversation stopped amongst the union bargaining team and listened to the noise as it moved away from the office. The Police Chief Elwin's behavior of banging on the hallway wall was intimidating and has a negative impact on union participation in negotiations. It is interference with the Union and Members while engaged in concerted activity.

Unfair Labor Practice Complaint
Local 1811-M
June 2017

- a. Witnesses
 - i. Union Staff Representative Matthew Miller
 - ii. Union President Kim Mason-Hatt
 - iii. Union Vice President Cris Risen
 - iv. Union Bargaining Team Representative Jodie Gunderson
 - v. Employer Police Chief Greg Elwin

(4) April 14th, 2017 – Afternoon: The Union Leadership met to discuss negotiations earlier that day. During that discussion loud slamming of cabinets and banging occurred outside in the hall near Vice President Risen's office.

- a. Witness
 - i. Union President Kim Mason-Hatt
 - ii. Union Vice President Cris Risen
 - iii. Union Bargaining Team Representative Jodie Gunderson

(5) All conversations stopped and President Mason-Hatt and Bargaining Team member Jodie Gunderson left the office to see what was causing the disruptive noise. They witnessed the Police Chief Elwin walking down the hall away from where the noise originated. Again, this type of behavior has a chilling effect towards the union participation in negotiations. It was perceived by President Kim Mason-Hatt, Vice President Cris Risen, and Bargaining Team member Jodie Gunderson to be threatening and intimidating regarding participation in negotiations and concerted activity.

- a. Witness
 - i. Union President Kim Mason-Hatt
 - ii. Union Vice President Cris Risen
 - iii. Union Bargaining Team Representative Jodie Gunderson
 - iv. Employer Police Chief Greg Elwin

Remedies Requested:

1. Order City of Mill Creek to cease and desist from its intimidation towards union members.
2. Order City of Mill Creek to cease and desist from interference with the Union.
3. Order City of Mill Creek to cease and desist from interfering with members while engaged in concerted activity.
4. Order City of Mill Creek to pay all attorney fees and associated costs with this ULP
5. Order City of Mill Creek to read ULP Decision into record of City Council meeting
6. Order City of Mill Creek to post ULP Decision on all City Bulletin Boards
7. Any and all other relief deemed appropriate