

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of a dispute concerning the obligations of:)	
MADONNA FORTIN)	CASE 15418-N-00-22
Under union security provisions of a collective bargaining agreement between:)	DECISION 7337 - PECB
PUBLIC SCHOOL EMPLOYEES OF WASHINGTON)	ORDER OF DISMISSAL
and)	
RAINIER SCHOOL DISTRICT)	

A copy of a letter sent by Madonna Fortin to the Public School Employees of Washington (union) was filed with the Public Employment Relations Commission on October 4, 2000. The letter requested that Fitzgerald be a non-participating "objector" of the union. Fitzgerald objected to any of her dues being used for anything other than expenditures directly related to collective bargaining and contract negotiations. The letter was docketed as a petition for ruling on a nonassociation claim, and was reviewed under WAC 391-95-150.¹

Under WAC 391-95-070, disputes resolved by the Commission in nonassociation proceedings are limited to the following issues:

(1) Eligibility of employee to assert right of nonassociation based on either (a) Personal religious beliefs; or (b) Teachings of a church or religious body; and

(2) Designation of charity to receive alternative payments.

¹ At this stage of the proceedings, all of the facts alleged in the petition are assumed to be true and provable. The question at hand is whether the petition states a basis for assertion of a right of nonassociation before the Commission.

A deficiency notice was issued on December 13, 2000, indicating that it was not possible to conclude that a claim existed for assertion of a right of nonassociation within the meaning of the applicable statute. The deficiency notice noted that the petition failed to assert a claim of religious basis for nonassociation. The Commission does not have jurisdiction over challenges to a labor organization's use of dues and/or agency fees based on non-religious grounds. *Local 2916, IAFF v. PERC*, 128 Wn.2d 375 (1995). Claims concerning an employee's constitutional rights under *Aboud v. Detroit Board of Education*, 431 U.S. 209 (1977), and/or *Chicago Teachers Union v. Hudson*, 475 U.S. 292 (1986) must be pursued before a court.

The deficiency notice advised Fortin that an amended petition could be filed and served within 21 days following such notice, and that any materials filed as an amended petition would be reviewed under WAC 391-95-150 to determine if they stated a claim of religious basis for nonassociation. The deficiency notice further advised Fortin that in the absence of a timely amendment asserting a claim of religious basis for nonassociation, the petition would be dismissed. Nothing further has been received from Fortin.

NOW THEREFORE, it is

ORDERED

The petition for ruling on a nonassociation claim in the above captioned matter is DISMISSED for failure to assert a religious basis for nonassociation.

ISSUED at Olympia, Washington, this 27th day of March, 2001.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARK S. DOWNING, Director of Administration

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under WAC 391-95-270.