

Lake Washington School District, Decision 6891 (PECB, 1999)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

LAKE WASHINGTON SCHOOL DISTRICT,)	
)	
Employer,)	
-----)	CASE 14564-U-99-3637
CAROL M. INGLE,)	DECISION 6891 - PECB
)	
Complainant,)	
)	
vs.)	CASE 14628-U-99-3664
)	DECISION 6892 - PECB
LAKE WASHINGTON SCHOOL DISTRICT)	
BARGAINING COUNCIL,)	
)	ORDER OF DISMISSAL
Respondent.)	
)	

On May 7, 1999, Carol M. Ingle filed a complaint charging unfair labor practice complaints with the Public Employment Relations Commission under Chapter 391-45 WAC, naming the Lake Washington School District Bargaining Council (union) as respondent. Case 14564-U-99-3637 was docketed.¹

On May 28, 1999, Carol M. Ingle filed a second complaint charging unfair labor practice complaints with the Commission under Chapter

¹ The Commission's case docketing procedures call for creation of a separate case for each individual complainant. Although another signature appeared on this complaint form, and attachments to the complaint included two petitions signed by multiple employees, only one case was docketed with Ingle as the sole complainant. No information was provided as to the names, addresses or telephone numbers of the other individuals; the document which took the place of a statement of facts was written in the first person singular, beginning with "I am so upset ...", and concluded with the name address and telephone number of Ingle.

391-45 WAC. Neither the employer nor a respondent was indicated on the complaint form, but the document which took the place of a statement of facts identified both the employment relationship and union involved. The correlation with Case 14564-U-99-3637 was not noted immediately, and Case 14628-U-99-3664 was docketed on the basis of those materials. An amended complaint naming the employer and union was filed on June 22, 1999, and was added, together with other supplemental materials filed that day, to the case file for Case 14628-U-99-3664.²

The complaints were reviewed under WAC 391-45-110,³ and a deficiency notice was issued on October 11, 1999. Ingle was notified that her complaints did not state a cause of action as filed, and was given a period of 14 days in which to file and serve an amended complaint which stated a cause of action.

DISCUSSION

These complaints concern union actions during a contract ratification process in the spring of 1999, and thus concern internal union

² Again, the signatures of other individuals were inserted with Ingle's signature on the complaint form filed May 28, 1999, but only one case was docketed with Ingle as the sole complainant. The statement of facts was written in the first person singular, beginning with "I Carol Ingle ...", and only information provided as to names, addresses and telephone numbers was for Ingle; the amended complaint filed on June 22, 1999, was signed by Ingle alone.

³ At that stage of the proceedings, all of the facts alleged in a 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.

affairs over which the Commission lacks jurisdiction. Although unions can acquire the statutory status of "exclusive bargaining representative" of public employees under Chapter 41.56 RCW, and then have a statutory duty of fair representation toward the employees in the bargaining unit(s) they represent under that statute, unions are fundamentally private organizations. The constitutions and bylaws of unions are the contracts among their members, controlling how their private organization is to be operated. The deficiency notice pointed out that disputes concerning violations of union constitutions and bylaws must be adjudicated under procedures internal to those organizations or through the courts. Inasmuch as nothing has been received from the complainant in response to the deficiency notice, dismissal is now warranted.

NOW THEREFORE, it is

ORDERED

The complaints filed in the above-captioned matters are DISMISSED as failing to state a cause of action for unfair labor practice proceedings before the Public Employment Relations Commission.

DATED at Olympia, Washington, this 22nd day of November, 1999.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARVIN L. SCHURKE, Executive Director

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.