Mary M. Knight School District, Decision 7110 (EDUC, 2000)

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STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

MARY M. KNIGHT SCHOOL DISTRICT,) Complainant,) vs.) MARY M. KNIGHT EDUCATION) ASSOCIATION,) MARY M. KNIGHT EDUCATION) ASSOCIATION,) CASE 15106-U-00-3811 DECISION 7110 - EDUC ORDER OF DISMISSAL

Respondent.

A complaint charging unfair labor practices was filed by the Mary M. Knight School District against the Mary M. Knight Education Association with the Public Employment Relations Commission on March 24, 2000. The allegations of the complaint concern union interference with employee rights in violation of RCW 41.59.140(2)(a), by its failure to abide by the parties' collective bargaining agreement concerning the processing of grievances.

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On June 7, 2000, a deficiency notice was issued under WAC 391-45-110. The deficiency notice reviewed the complaint under RCW 34.05.419(2), which requires administrative agencies to:

> Examine the application, notify the applicant of any obvious errors or omissions, [and] request any additional information the agency wishes to obtain and is permitted by law to require ...

At this stage of the proceedings, all of the facts alleged in the complaint are assumed to be true and provable. The question at hand is whether, as a matter of law, the complaint states a claim

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for relief available through unfair labor practice proceedings before the Commission.

The deficiency notice indicated that it was not possible to conclude that a cause of action exists as the Commission does not assert jurisdiction to remedy violations of collective bargaining agreements through the unfair labor practice provisions of the statute. City of Walla Walla, Decision 104 (PECB, 1976).

The deficiency notice informed the complainant that absent the filing and service of an amended complaint stating a cause of action within 21 days following the date of the deficiency notice, the complaint would be dismissed. Nothing further has been received from the complainant.

NOW THEREFORE, it is

ORDERED

The 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 30^{th} day of June, 2000.

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 391-45-350.