

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

INTERNATIONAL LONGSHORE &)	
WAREHOUSE UNION, LOCAL 9,)	
)	
Complainant,)	CASE 15559-U-01-3941
)	
vs.)	DECISION 7348 - PECB
)	
PORT OF SEATTLE,)	ORDER OF DISMISSAL
)	
Respondent.)	
)	
)	

The complaint charging unfair labor practices in the above-referenced matter was filed with the Public Employment Relations Commission by International Longshore & Warehouse Union, Local 9 (union) on January 3, 2001. The complaint alleged that the Port of Seattle (employer) refused to bargain in violation of RCW 41.56.140(4), by its unilateral change in the presentation of appeal board arguments in the grievance procedure, without providing an opportunity for bargaining.

The complaint was reviewed under WAC 391-45-110.¹ A deficiency notice was issued on January 22, 2001, indicating that it was not possible to conclude that a cause of action existed. The deficiency notice stated that the complaint alleges both a violation of section XII, subsection C of the parties' collective bargaining agreement and a unilateral change in working conditions in violation of RCW 41.56.140(4). The Public Employment Relations

¹ 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 for relief available through unfair labor practice proceedings before the Public Employment Relations Commission.

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 indicated that the union could seek to enforce the provisions of the grievance procedure that it has negotiated with the employer by filing a grievance under the parties' agreement.

The deficiency notice advised the union that an amended complaint could be filed and served within 21 days following such notice, and that any materials filed as an amended complaint would be reviewed under WAC 391-45-110 to determine if they stated a cause of action. The deficiency notice further advised the union that in the absence of a timely amendment stating a cause of action, the complaint would be dismissed. Nothing further has been received from the union.

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 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 391-45-350.