

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

PIERCE COLLEGE,)	
)	
Employer.)	
-----)	
ALAN KEMP,)	CASE 15300-U-00-3860
)	
Complainant,)	
)	DECISION 7341 - CCOL
vs.)	
)	
PIERCE COLLEGE FEDERATION)	
OF TEACHERS,)	ORDER OF DISMISSAL
)	
Respondent.)	
)	
)	

The complaint charging unfair labor practices in the above-referenced matter was filed with the Public Employment Relations Commission by Alan Kemp (Kemp) on July 11, 2000. Kemp is employed by Pierce College (employer). The complaint alleged that Pierce College Federation of Teachers (union) interfered with employee rights and committed other unspecified unfair labor practices under RCW 28B.52.073(2)(a), by its adoption of bargaining proposals in violation of the parties' collective bargaining agreement and the union's bylaws.

The complaint was reviewed under WAC 391-45-110.¹ A deficiency notice was issued on November 13, 2000, indicating that the Public Employment Relations Commission does not assert jurisdiction to remedy violations of collective bargaining agreements through the

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.

unfair labor practice provisions of the statute. *City of Walla Walla*, Decision 104 (PECB, 1976).

The deficiency notice stated that in relation to the allegation concerning violation of the union's bylaws, the constitutions and bylaws of unions are the contracts among the members of the union for how the organization is to be operated. Disputes about such matters must be resolved through internal procedures of the union or the courts. *Enumclaw School District*, Decision 5979 (PECB, 1997).

The deficiency notice advised Kemp 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 Kemp that in the absence of a timely amendment stating a cause of action, the complaint would be dismissed. Nothing further has been received from Kemp.

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.