

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

OCEAN BEACH SCHOOL DISTRICT,)	
)	
Employer.)	
-----)	
VAL CROWSTON,)	CASE 15787-U-01-4003
)	
Complainant,)	
)	DECISION 7458 - PECB
vs.)	
)	
TEAMSTERS UNION, LOCAL 58,)	
)	ORDER OF DISMISSAL
Respondent.)	
)	
)	

The complaint charging unfair labor practices in the above-referenced matter was filed with the Public Employment Relations Commission by Val Crowston (Crowston) on April 30, 2001. Crowston is employed by Ocean Beach School District (employer). The complaint alleged that the union committed "other unfair labor practices" by charging an initiation fee and monthly dues in excess of those allowed by RCW 49.66.050(4).

The complaint was reviewed under WAC 391-45-110.¹ A deficiency notice was issued on June 7, 2001, indicating that it was not possible to conclude that a cause of action existed at that time. The deficiency notice stated that the Commission does not have jurisdiction over the provisions of Chapter 49.66 RCW. The Commission does not have jurisdiction over challenges to a labor organization's use of dues and/or agency fees based on non-

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.

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 Crowston 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 Crowston that in the absence of a timely amendment stating a cause of action, the complaint would be dismissed. Nothing further has been received from Crowston.

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 3rd day of July, 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.