

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

TEAMSTERS UNION, LOCAL 524)	
)	
Complainant,)	CASE 16598-U-02-4322
)	
vs.)	DECISION 7896 - PECB
)	
KITTITAS COUNTY,)	
)	
Respondent.)	ORDER OF DISMISSAL
)	
)	

On August 5, 2002, Teamsters Union, Local 524 (union) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming Kittitas County (employer) as respondent. The complaint was reviewed under WAC 391-45-110,¹ and a deficiency notice issued on October 15, 2002, indicating that it was not possible to conclude that a cause of action existed at that time. The union was given a period of 14 days in which to file and serve an amended complaint, or face dismissal of the case. Nothing further has been received from the union.

The Director of Administration dismisses the complaint for failure to state a cause of action.

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.

DISCUSSION

The complaint alleged that the employer violated RCW 41.56.123, by failing to pay one-half of the health care premium increases effective January 1, 2002. Examination of the collective bargaining agreement attached to the complaint in this case readily disclosed that the bargaining unit involved consists of law enforcement officers employed in the Kittitas County Sheriff's Department.

The deficiency notice pointed out that the provisions of RCW 41.56.123 are inapplicable to bargaining units of uniformed personnel eligible for interest arbitration. RCW 41.56.123 provides (emphasis added):

RCW 41.56.123 COLLECTIVE BARGAINING AGREEMENTS--EFFECT OF TERMINATION--APPLICATION OF SECTION. (1) After the termination date of a collective bargaining agreement, all of the terms and conditions specified in the collective bargaining agreement shall remain in effect until the effective date of a subsequent agreement, not to exceed one year from the termination date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

. . . .
(3) *This section shall not apply to the following:*

(a) *Bargaining units covered by RCW 41.56.430 et seq. for factfinding and interest arbitration;*

The employees involved in this case come within the definition of "uniformed personnel" under RCW 41.56.030(7), and the parties' collective bargaining relationship is thus covered by the "interest arbitration" process set forth in RCW 41.56.430 through .490.

Even if the union had intended to protest some violation of a contractual provision obligating the employer to pay a portion of the health care cost increases, 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).

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 1st day of November, 2002.

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.