

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS, LOCAL 17,)	
)	
Complainant,)	CASE 22610-U-09-5782
vs.)	DECISION 10518 - PECB
CITY OF SEATTLE,)	
)	
Respondent.)	ORDER OF DISMISSAL

On July 28, 2009, the International Federation of Professional and Technical Engineers, Local 17 (union) filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming the City of Seattle (employer) as respondent. The complaint was reviewed under WAC 391-45-110,¹ and a deficiency notice issued on July 31, 2009, indicated that it was not possible to conclude that a cause of action existed at that time. The union was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case.

The union has not filed any further information. The Unfair Labor Practice Manager dismisses the complaint for failure to state a cause of action.

DISCUSSION

The allegations of the complaint concern employer interference with employee rights in violation of RCW 41.56.140(1), by its breach of the collective bargaining agreement concerning out of class opportunities for bargaining unit members.

The deficiency notice pointed out the defects to the complaint. The statement of facts makes reference to an alleged violation of the parties' collective bargaining agreement. The Commission

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.

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 Commission acts to interpret collective bargaining statutes and does not act in the role of arbitrator to interpret collective bargaining agreements. The union must address this issue through the contractual grievance process. The Commission does not have jurisdiction.

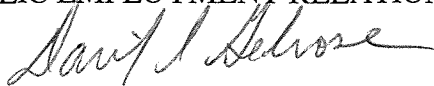
NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in Case 22610-U-09-5782 is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 26th day of August, 2009.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



DAVID I. GEDROSE, Unfair Labor Practice Manager

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.