

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

ILWU LOCAL 9,	)	
	)	CASE NO. 1403-U-78-173
Complainant	)	
	)	DECISION NO. 384-PORT
vs.	)	
	)	<u>ORDER OF DISMISSAL</u>
PORT OF SEATTLE,	)	
	)	
Respondent	)	
	)	
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The complaint of unfair labor practices was filed in the captioned matter on February 17, 1978. The factual allegations of the complaint relate to harassment and intimidation of union shop stewards.

In addition to the statute which creates PERC (RCW 41.58), PERC administers five different statutes providing bargaining rights to various groups of public employees. Each of those statutes is different from the others, and all are different from the National Labor Relations Act, as amended. Port districts are covered by RCW 53.18, one of the statutes administered by PERC.

When Chapter 53.18 was enacted, the legislature had before it the National Labor Relations Act with years of interpretation and application. Unfair labor practices are specifically defined in Section 8 of that Act, and the National Labor Relations Board is specifically empowered by Section 10 of that Act to prevent unfair labor practices. The legislature rejected those precedents when it provided collective bargaining rights for port district employees, and RCW 53.18 makes no definition of or prevention of unfair labor practices.

PERC's predecessor, the Washington State Department of Labor and Industries, declined to assert any unfair labor practice jurisdiction with respect to port district employees. Port of Seattle, Case 0-1707, Director's Decision, October 31, 1974. A decision is being issued separately today in Port of Edmonds, Decision No. 378-PORT. In that case, the Complainant union argued that the unfair labor practice provisions of RCW 41.56, the Public Employees Collective Bargaining Act, became applicable to port districts and their employees in the absence of a contrary provision contained in RCW 53.18. That argument is again being rejected in the absence of a clear grant of administrative authority to regulate unfair labor practices.

The Commission has refused to presume unfair labor practice jurisdiction with respect to community college academic faculties (RCW 28B.52) in the absence of a clear legislative mandate, even though the Commission has (as it does under the port district law) mediation and representation case jurisdiction. Yakima Valley College, Decision No. 240-CCOL (1977).

NOW, THEREFORE, it is

ORDERED

The complaint of unfair labor practices filed in the above-entitled matter is dismissed for lack of jurisdiction.

Dated at Olympia, Washington this 2nd day of March, 1978.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in cursive script, appearing to read "Marvin L. Schurke".

MARVIN L. SCHURKE, EXECUTIVE DIRECTOR