

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

RAYMOND IRVING JEFFRIES,
Complainant,

vs.

N. O. STRAND, S. MARTIN,
A. F. KLAUSS, and L. LEINGANG
(WASHINGTON PUBLIC POWER
SUPPLY SYSTEM)

Respondents.

Case No. 1871-U-78-244

Decision No. 622 PECB

ORDER OF DISMISSAL

The complaint charging unfair labor practices filed in the captioned matter on December 6, 1978 alleges the complainant was interrogated concerning his activities for and on behalf of unions prior to his discharge, and that his union activities were the motivation for his discharge. The matter is before the undersigned for a preliminary ruling pursuant to WAC 391-21-510.

The type of conduct alleged, if committed by a "public employer" against a "public employee", is clearly the type of conduct on which an unfair labor practice could be found under RCW 41.56.140.

The difficulty in this case is jurisdiction. Washington does not have a consistent public employee labor policy or a uniform public sector collective bargaining law.

Washington Public Power Supply System is a municipal corporation of the State of Washington, created by RCW 43.52.360 as an "operating agency". As a municipal corporation, it has only the authority conferred on it by statute. RCW 43.52.391 provides that an "operating agency" has all of the powers granted to public utility districts under the laws of this State. Among the powers conferred on a public utility district is the power to enter into collective bargaining relations with its employees "in the same manner that a private employer might do." See: RCW 54.04.180.

The Public Employees Collective Bargaining Act, RCW 41.56, covers most of local government, and generates as much as 66% of the caseload activity of the Public Employment Relations Commission. RCW 41.56.020 provides as follows:

"RCW 41.56.020. Application of Chapter. This chapter shall apply to any county or municipal corporation, or any political subdivision of the State of Washington except as otherwise provided by RCW 47.64.030, 47.64.040, 54.04.170, 54.04.180, *28.72.010 through 28.72.090, and chapter 53.18 RCW."

The remainder of RCW 41.56 bears a general similarity to the National Labor Relations Act under which investor-owned electric utilities and other private employers bargain collectively with their employees; but RCW 41.56 and the NLRA are by no means identical.

RCW 41.56.020 has been construed broadly so as to cover many types of municipal corporations other than cities and counties. Roza Irrigation District v. State, 80 Wn.2d. 633 (1972). On the other hand, RCW 41.56 has been found inapplicable to agencies of the State itself. Eastern Washington State College, Decision 245 (PECB, 1977); affirmed, Spokane County Superior Court (1978) and Yakima Valley College, Decision 240 (CCOL, 1977). Where questions have arisen as to the application of RCW 41.56 to port districts, it has consistently been held that RCW 41.56 and RCW 53.18 are separate and mutually exclusive systems of rights and regulations. Port of Seattle, (Department of Labor and Industries, Case 0-1707, 10/74); Port of Seattle, Decision 384 (PORT, 1978); Port of Edmonds, Decision 378 (PORT, 1978). Application of the same principles here dictates the conclusion that this employer is excluded from the coverage of RCW 41.56 by reason of the specific exemption provided to public utility districts in RCW 54.04.180.

NOW, THEREFORE, it is

ORDERED

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

Dated at Olympia, Washington, this 4th day of April, 1979.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

By: 

MARVIN L. SCHURKE, Executive Director