

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

PATRICK KELLEY, a certified employee,	)	
	)	CASE NO. 3171-U-80-452
Complainant,	)	
	)	DECISION NO. 1135 - EDUC
vs.	)	
	)	
THE SUMNER EDUCATION ASSOCIATION, ISSAQUAH EDUCATION ASSOCIATION, WASHINGTON EDUCATION ASSOCIATION, Labor organizations,	)	
	)	
Respondents.	)	ORDER OF DISMISSAL
	)	

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The complaint charging unfair labor practices was filed in the captioned matter on November 26, 1980. Following allegations identifying the parties, the complaint alleges:

"3. The WASHINGTON EDUCATION ASSOCIATION (sic) is restraining and coercing the Complainant from the free exercise of his Constitutional Rights (sic) and his Rights (sic) guaranteed under RCW 41.59.060, by threatening to strip him of his Washington education (sic) Association Membership (sic), and denying him the right to representation customarily given to other members of the Washington Education Association."

There are no allegations of conduct or misconduct of any kind by the Sumner Education Association or by the Issaquah Education Association. On March 9, 1981 a letter was sent to counsel for the complainant directing that the facts constituting the basis for the complaint, including times, dates, places and participants in occurrences, be supplied. No response has been received. The case is before the Executive Director pursuant to WAC 391-45-110.

RCW 41.59.140(2)(a) permits an organization to prescribe its own rules for the acquisition and retention of membership. The basis for the threatened denial of membership is not specified, and the complaint fails to state a cause of action in that regard.

An employee organization certified as exclusive bargaining representative of employees is generally held to owe a duty of fair representation to all of the employees it represents. Vaca v. Sipes, 386 U.S. 171 (1967); City of Redmond, Decision 886 (PECB, 1980). The duty arises only under particular factual circumstances, none of which are alleged in this complaint, and it does not state a cause of action.

NOW, THEREFORE, it is

ORDERED

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

DATED at Olympia, Washington this 14th day of April, 1981.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director