

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

UPPER SKAGIT VALLEY EDUCATION ASSOCIATION,)	
)	
Complainant,)	CASE NO. 3046-U-80-431
)	
vs.)	DECISION NO. 1059-EDUC
)	
CONCRETE SCHOOL DISTRICT NO. 11,)	PRELIMINARY RULING AND
)	PARTIAL ORDER OF DISMISSAL
Respondent.)	

The complaint charging unfair labor practices was filed in the above-entitled matter on September 19, 1980. The matter is now before the Executive Director for a preliminary ruling pursuant to WAC 391-45-110. At this stage of the proceedings, it is presumed that all of the facts alleged are true and provable.

Paragraph 4.A of the complaint contains allegations concerning direct communications by the employer with employees concerning bargaining subjects by means of documents never tendered in bargaining or discussed at the bargaining table. Those allegations state facts on which an unfair labor practice violation could be found.

Paragraph 4.B of the complaint contains allegations that the employer threatened employees with loss of employment "if they struck or otherwise supported the Upper Skagit Valley Education Association". In Spokane School District, Decision 310-B (EDUC, 1978), the Public Employment Relations Commission called attention to the omission of the "concerted activity" clause from RCW 41.59.060, and the consequent absence of a protected right to strike under RCW 41.59. It follows that if strikes are not a protected activity, the employer is not prohibited from making statements (or even threats of loss of employment) to employees concerning strike activity by the employee(s). Therefore, to the extent that paragraph 4.B complains of threats "if they struck", it does not state a cause of action. RCW 41.56.060 does protect the right of educational employees to otherwise support an employee organization, and that allegation states facts on which a violation could be found.

NOW, THEREFORE, it is

ORDERED

1. Paragraph 4.B of the complaint filed in the above-entitled matter is dismissed insofar as it alleges threats by the employer to deter employees from engaging in strike activity.

2. The remaining allegations of the complaint are referred to Examiner Kenneth J. Latsch of the Commission staff for further proceedings.

DATED at Olympia, Washington, this 30th day of December, 1980.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director