

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

MARYSVILLE ASSOCIATION OF EDUCATIONAL SECRETARIES, AN AFFILIATE OF PUBLIC SCHOOL EMPLOYEES OF WASHINGTON,	}	CASE NO. 2323-U-79-334
	}	
Complainant,	}	DECISION NO. 1300 - PECB
	}	
vs.	}	
	}	
MARYSVILLE SCHOOL DISTRICT NO. 25,	}	ORDER OF DISMISSAL
	}	
Respondent.	}	
	}	

The complaint charging unfair labor practices was filed in the captioned matter on September 18, 1979. It alleges that the employer violated RCW 41.56.140(1) and (4) by directing requests to three employees that they discontinue their membership and activity in the organization which had theretofore been their exclusive bargaining representative and by placing said employees on a salary schedule separate from that negotiated by the complainant. Prior to any action by the Commission, on November 19, 1979, the employer filed a petition with the Public Employment Relations Commission for clarification of the existing bargaining unit of clerical employees, asserting that the same three employees named in the complaint charging unfair labor practices were "confidential" employees within the meaning of RCW 41.56.030(2)(c). Case No. 2443-C-79-109. Because "confidential" exclusions are jurisdictional as to the enjoyment of the other rights, protections and procedures of RCW 41.56, action on the captioned unfair labor practice matter was held in abeyance pending disposition of the petition for unit clarification. An order clarifying bargaining unit is issued today removing the disputed employees from the bargaining unit and from the coverage of RCW 41.56 as "confidential" employees. It follows that the employer was entitled to deal directly with the disputed individuals and to request that they discontinue their activities as employees under the collective bargaining law, so that the complaint charging unfair labor practices fails to state a claim on which relief can be granted.


NOW, THEREFORE, it is

ORDERED

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

DATED at Olympia, Washington this 19th day of November, 1981.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARVIN L. SCHURKE, Executive Director