

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

TEAMSTERS LOCAL NO. 524,)	
Complainant,)	CASE NO. 3492-U-81-512
vs.)	DECISION NO. 1271 - PECB
CITY OF TOPPENISH,)	
Respondent.)	ORDER OF DISMISSAL

The complaint charging unfair labor practices was filed in the captioned matter on June 17, 1981. Following allegations identifying the parties, the complaint alleges:

"Refusal to bargain with the complainant on the terms and conditions of employment for its employees represented by complainant in that it unilaterally changed the medical carrier providing coverage for those employees."

The relief sought is an order compelling restoration of coverage by a particular insurance carrier and an order to bargain any change of insurance carriers.

The employer disclosed, in a letter filed with the Commission on June 29, 1981, that it would contend that it had changed insurance carriers within authority reserved to the employer in a collective bargaining agreement between the parties. On August 12, 1981, correspondence was directed to counsel for the union wherein comment was solicited on the propriety of deferral of the matter to arbitration. A period of fourteen days was specified for a response, but none has been received from the union.

The matter is before the Executive Director for a preliminary ruling pursuant to WAC 391-45-110. Assuming all of the factual allegations of the complaint to be true and provable, it is nevertheless concluded that no unfair labor practice violation could be found. The complaint does not allege any change of benefits received by employees, nor does it allege facts on which one could conclude that the change of insurance carriers will have any material effect on the benefits received by employees. Further, it appears that the matter requires a contract interpretation which is entirely within the jurisdiction and capabilities of the arbitration forum created by the contract.

NOW, THEREFORE, it is

ORDERED

The complaint of unfair labor practices filed in the above entitled matter is dismissed without prejudice to a later refiling upon a proper showing that either:

- (1) The dispute has not, with reasonable promptness after the issuance of this decision, been resolved by amicable settlement, by grievance arbitration or by the Courts, or
- (2) Grievance arbitration proceedings resulting in the final resolution of the dispute have not been fair and regular or have reached a result which is repugnant to the Act.

DATED at Olympia, Washington this 9th day of October, 1981.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director