

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

TEAMSTERS LOCAL NO. 378,)	
)	
Complainant,)	CASE NO. 3568-U-81-532
)	
vs.)	DECISION NO. 1272 - PECB
)	
OLYMPIA SCHOOL DISTRICT NO. 111,)	
)	ORDER OF DISMISSAL
Respondent.)	
)	

The complaint charging unfair labor practices was filed in the captioned matter on August 3, 1981. Following allegations identifying the parties, the complaint alleges:

"On or about June 28th, 1981, the Olympia School District laid off Bill Herington. The Union filed a grievance by its letter of July 6, 1981, asking that Mr. Herington be returned to work or the matter be referred to arbitration. My request was questioned by Mr. Boring's letter dated July 10, 1981. I fully explained the Union's position and listed in detail the issue to be arbitrated by my letter of July 16th, 1981 asking again to follow the grievance and proceed to arbitration. By letter dated July 23, Mr. Boring attempts to reject my letter of July 16th and its request to follow the contractual procedure. In my July 24th, 1981 letter I ask that the District sign a request to enable us to receive a panel of 7 arbiters, (sic) per contract. Mr. Boring in a phone conversation with me on July 27th, indicated that he had not received my July 24th letter; however, the District did not intend to arbitrate the laying off of Bill Herington. I ask him to confirm the District's position in writing which he did in his letter dated July 28th, 1981. By attempts to abrogate provisions of the collective bargaining agreement and frustrate the handling of a grievance properly processed through that procedure the District is continuing to commit unfair labor acts against the bargaining unit employees and their representatives."

The relief requested is reinstatement to employment and reimbursement to the employee and posting of notices on the refusal to process the grievance.

The matter is before the Executive Director for a preliminary ruling pursuant to WAC 391-45-110. Assuming all of the allegations of the complaint to be true and provable, it is nevertheless concluded that no unfair labor practice violation could be found. It has long been established that violation of a collective bargaining agreement is not to be remedied through the unfair labor practice provisions of RCW 41.56. City of Walla Walla, Decision 104

(PECB, 1976). Rather, both violations of collective bargaining agreements and enforcement of agreements to arbitrate are within the jurisdiction of the Courts. Thurston County Communications Board, Decision 103 (PECB, 1976).

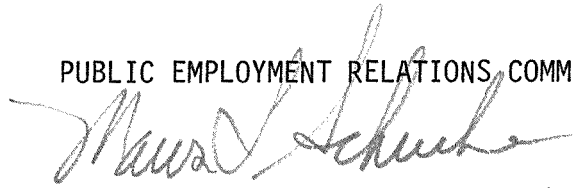
NOW, THEREFORE, it is

ORDERED

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

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

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director