

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

TEAMSTERS UNION, LOCAL 551,)	
Complainant,)	CASE NO. 3904-U-81-605
vs.)	DECISION NO. 1380 - PECB
WHITMAN COUNTY,)	
Respondent.)	ORDER OF DISMISSAL

The complaint was filed in this matter on December 31, 1981. The complaint alleges:

4. A. Whitman County is a public employer within the meaning of RCW 41.56.030(1).
- B. Teamsters Local 551 is a bargaining representative within the meaning of RCW 41.56.030.
- C. The above-named Employer has negotiated a collective bargaining agreement with the bargaining representative for a bargaining unit of employees of Whitman County.
- D. The collective bargaining agreement contains a collectively bargained appeal process with respect to Wage classification determinations made by the Employer.
- E. The employer has, since on or about December 9, 1981, refused to permit the bargaining representative to attend or participate in the deliberations over the wage classification decisions being made by the Appeals Board collectively bargained by the parties.

By events described above, Teamsters Union Local 551 (complainant) alleges that Whitman County (respondent) violated RCW 41.56.140(1), (2), and (4).

This matter is before the Executive Director pursuant to WAC 391-45-110. On January 8, 1982, the undersigned sent a letter to the parties informing them that a preliminary ruling would be delayed for ten (10) days to allow the parties an opportunity to express their positions on the propriety of deferring the dispute to grievance arbitration. Additionally, the parties were requested to furnish a copy of the existing collective bargaining agreement. Neither party has responded. Therefore, the preliminary ruling must be made on the basis of the allegations as contained in the complaint.

It appears that this dispute arises from contractual claims which are susceptible to resolution through grievance arbitration procedures. The Public Employment Relations Commission does not have "violation of contract" jurisdiction through the unfair labor practice provisions of Chapter 41.56 RCW. See: City of Walla Walla, Decision No. 104 (PECB, 1976). The Commission has encouraged the use of existing grievance arbitration procedures to resolve disputes arising from the interpretation or application of collective bargaining agreements. In City of Richland, Decision No. 246 (PECB, 1977), the Examiner dismissed unfair labor practice charges and deferred to a contractual grievance procedure, relying on the decision of the National Labor Relations Board in Collyer Insulated Wire, 192 NLRB 837 (1971). These principles have been applied in numerous subsequent cases. See e.g.: Pierce County, Decision No. 1295 (PECB, 1981). Given the nature of the allegations in this matter, there is no reason to believe that the underlying contract interpretation dispute will not be resolved through arbitration and/or the Courts. The tests for deferral are met in this case.

NOW, THEREFORE, it is

ORDERED

The complaint of unfair labor practices filed in the above-captioned 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 23rd day of February, 1982.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARVIN L. SCHURKE, Executive Director