

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL #6,	)	
	)	
Complainant,	)	CASE NO. 4590-U-83-756
	)	
vs.	)	DECISION NO. 1636 - PECB
	)	
KING COUNTY,	)	
	)	
Respondent.	)	PRELIMINARY RULING

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The complaint charging unfair labor practices was filed in the captioned matter on April 18, 1983. 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 assumed that all of the facts alleged are true and provable. The question at hand is whether the complaint states a claim for relief obtainable through the unfair labor practice provisions of Chapter 41.56 RCW.

The statement of facts attached to the complaint alleges:

On March 16, 1983, Michael Crandell became eligible for a classification change from Park Manager I to Park Manager II and an increase in wages from \$1359.4887 to \$1609.63 under the terms of an agreement which is supplemental to the collective bargaining agreement between King County and Service Employees International Union Local #6. A copy of the supplemental agreement is attached.

Mr. Crandell did not receive the pay increase on his April 5, 1983, check and learned from his supervisor, John Keizer, that he would not receive the increase until a performance evaluation form had been completed.

On April 7, 1983 the business representative, Christine Spieth, called Bill Hutsinpiller, Mr. Keizer's supervisor, and left a message stating the facts and urging him to call. On April 11, 1983, prior to the start of a scheduled negotiations session, Ms. Spieth asked Mr. Hutsinpiller for an explanation of the failure to grant the wage increase.

Mr. Hutsinpiller responded that the personnel change form had been presented to Joe Nagel for approval and Mr. Nagel had returned it because there was no performance evaluation attached or available.

Attached to the complaint is a letter of agreement between the employer and the union. The complaint claims a violation of RCW 41.56.140(4).

The Public Employment Relations Commission does not assert jurisdiction through the unfair labor practice provisions of RCW 41.59 to enforce collective bargaining agreements. See: City of Walla Walla, Decision 104 (PECB, 1976). Nor does it enforce the agreement to arbitrate. See: Thurston County, Decision 103 (PECB, 1976). The remedy request made by the complainant in this case merely seeks to enforce the agreement already in effect between the parties. The complaint as filed thus fails to state a cause of action.

With the direction provided here, the complainant may be better able to amend the complaint so as to focus attention on any claims which are within the jurisdiction of the Commission.

NOW, THEREFORE, it is

ORDERED

The complainant will be allowed a period of fourteen (14) days following the date of this Order to amend the complaint. In the absence of an amendment, the complaint will be dismissed as failing to state a cause of action.

DATED at Olympia, Washington, this 10th day of May, 1983.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director