

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

ANTHONY P. RAIMONDI,)	
Complainant,)	CASE NO. 5217-U-84-924
vs.)	DECISION NO. 1989 - PECB
CITY OF SEATTLE,)	PRELIMINARY RULING
Respondent.)	

The complaint charging unfair labor practices was filed on April 25, 1984. Anthony P. Raimondi, an employee of the Seattle City Light Department, alleges that the employer excluded him from a settlement arising from a wage dispute and that the employer has failed to "respond to a grievance filed on this issue on December 2, 1983." Raimondi goes on to allege that the employer's action violated equal pay for equal work standards. Complainant's allegations concern a settlement arising from a grievance filed by another employee or employees under terms of a grievance procedure found in a collective bargaining agreement between respondent and International Federation of Professional and Technical Engineers, Local 17. In reaching the settlement, complainant argues that the union and employer excluded Raimondi from proper compensation.^{1/}

The matter is presently before the Executive Director for a preliminary ruling pursuant to WAC 391-45-110. At this stage in the proceedings, it is presumed that all of the facts alleged in the complaint are true and provable. The question at hand is whether the complaint states a claim for relief through the unfair labor practice provisions of Chapter 41.56 RCW.

Complainant cannot gain the remedy he seeks through the unfair labor practice complaint filed in this matter. The Public Employment Relations Commission has consistently held that it lacks jurisdiction to enforce collective bargaining agreements through the unfair labor practice procedures of Chapter 41.56 RCW. See: City of Walla Walla, Decision No. 104 (PECB, 1976). Similarly, the Commission lacks jurisdiction to enforce settlements or awards obtained through a contractual grievance procedure. Such a remedy must be pursued through a civil suit filed in Superior Court.

^{1/} Raimondi has filed a separate complaint against the union. That matter is captioned as Case No. 5218-U-84-925, and is processed separately.

A second issue concerns complainant's "equal pay for equal work" allegation. If complainant believes that he has been discriminated against on the basis of age, race, or sex, he should file a complaint with the Human Rights Commission or other appropriate authority. On the basis of the facts presented, it appears that the Public Employment Relations Commission does not have jurisdiction over this dispute. If additional facts are available which relate to respondent's alleged violations of RCW 41.56, they should be forwarded to the Commission for consideration.

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 29th day of June, 1984.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARVIN L. SCHURKE, Executive Director