

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

ROY W. MAINGER,	)	
	)	CASE NO. 6115-U-85-1150
Complainant,	)	
	)	
vs.	)	DECISION NO. 2349 - EDUC
	)	
MUKILTEO SCHOOL DISTRICT,	)	
	)	PRELIMINARY RULING AND
Respondent.	)	ORDER OF DISMISSAL
	)	
	)	

On November 15, 1985, Roy W. Mainger filed a complaint charging unfair labor practices with the Public Employment Relations Commission, listing the Mukilteo School District as respondent. The material factual allegations of the complaint are as follows:

A draft policy on "Religion" was distributed to the faculty members at 2:20 p.m. on November 8, 1985.

The draft policy provides that one will neither inhibit nor advance religion.

The faculty was requested to determine what holiday practices in December would be continued.

Ruled that majority would prevail in determining what holiday practices would continue.

Everyone would therefore conform--no deviation--involves freedom of speech and academic freedom.

I am therefore compelled to violate the law and the constitution prohibiting religion in public schools.

In the space provided for indication of the sections of the statute alleged to be violated, the complainant cited the Constitutions of the United States

and of the state of Washington, RCW 28A.02.040, and WAC 180-40-215, and 227, as well as the academic freedom section of a collective bargaining agreement.

This matter is now before the Executive Director for preliminary ruling pursuant to WAC 391-45-110. The question at hand is whether, assuming all of the facts alleged to be true and provable, the complaint states a cause of action for which relief can be granted through the unfair labor practice provisions of the applicable collective bargaining statute. It will be inferred, for the purposes of this analysis, that the complainant is a certificated employee of the Mukilteo School District who is covered by the Educational Employment Relations Act, Chapter 41.59 RCW.

The Public Employment Relations Commission is not empowered to resolve any and all disputes which might arise in the workplace. Specifically, the Commission is not empowered to enforce the constitutions, statutes and rules of other agencies which have been cited. Although the complainant alleges violation of the academic freedom section of the collective bargaining agreement under which he is employed, Chapter 41.59 RCW does not provide for the enforcement of collective bargaining agreements through the unfair labor practice provisions of the statute.

There are further difficulties with the complaint. In order to be processed in this forum, the complaint would need to state a claim within the unfair labor practices set forth in RCW 41.59.140. Although the factual allegations fairly clearly recite what has happened, nothing among those facts suggests that anybody has interfered with, restrained, coerced or discriminated against the complainant in the exercise of his right to engage in (or decline to engage in) collective bargaining activities. To the contrary, there is no reference whatever to collective bargaining relationships or activity. Therefore, it is concluded that the facts alleged do not state a cause of action on which an unfair labor practice violation could be found.


NOW, THEREFORE, it is

ORDERED

The complaint filed in the above-entitled matter is dismissed.

DATED at Olympia, Washington, this 22nd day of January, 1986.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
MARVIN L. SCHURKE, Executive Director

This Order may be appealed  
by filing a petition for review  
with the Commission pursuant  
to WAC 391-45-350.