

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

ANACORTES EDUCATION)	
ASSOCIATION,)	CASE NO. 6441-U-86-1260
)	
Complainant,)	
)	
vs.)	DECISION NO. 2544 - EDUC
)	
ANACORTES SCHOOL DISTRICT,)	
)	
Respondent.)	ORDER OF DISMISSAL
)	
)	

On June 12, 1986, Anacortes Education Association filed a complaint charging unfair labor practices against Anacortes School District, alleging that the employer had refused to bargain in violation of RCW 41.59.140(1)(e), by refusing to supply the complainant with a copy of a preliminary draft of the employer's 1986-87 school year budget.

Pursuant to WAC 391-45-110, it is presumed for the purposes of this preliminary ruling that all of the facts alleged in the complaint are true and provable. The question before the Executive Director is whether the complaint states a claim for relief available through the unfair labor practice provisions of Chapter 41.59 RCW.

The scope of the duty to bargain is defined by RCW 41.59.020(2), which provides:

The term "collective bargaining" or "bargaining" means the performance of the mutual obligation of the representatives of the employer and the exclusive bargaining representative to meet at reasonable times in light of the time limitations of the budget-

making process, and to bargain in good faith in an effort to reach agreement with respect to the wages, hours, and terms and conditions of employment: ...

In the event of a dispute between an employer and an exclusive bargaining representative over the matters that are terms and conditions of employment, the commission shall decide which item(s) are mandatory subjects for bargaining and which item(s) are nonmandatory. (Emphasis added)

Where a collective bargaining relationship has been established, the employer has an obligation to supply the exclusive bargaining representative with information possessed by the employer that is reasonably necessary to the performance by the union of its functions in bargaining and contract administration. See, City of Yakima, Decision 1124-A (PECB, 1981).¹ But such duty to supply information for purposes of bargaining cannot be said to apply to subjects that are outside of the realm of mandatory collective bargaining. Issues relative to the employer's budget have been held to be permissive subjects of bargaining. Federal Way School District, Decision 232-A (EDUC, 1977). See, also: Spokane Education Association v. Barnes, 83 Wn.2d 366 (1974). It follows that, since the employer would not be under a duty to bargain with the union about the decisions it makes in transforming budget preliminaries to a final budget, the information sought by the complainant was not for the purposes of "bargaining" in the statutory sense and no duty was imposed on the employer to supply information concerning that permissive subject of collective bargaining.

¹ Any claim concerning a failure by the employer to comply with the Public Disclosure Act, Chapter 42.17 RCW, would not state a cause of action for proceedings under Chapter 41.59 RCW, and should be addressed in the appropriate forum.

Accordingly, the union's complaint does not state a cause of action for unfair labor practice proceedings under Chapter 41.59 RCW.

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices filed in the above entitled matter is dismissed.

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