

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

SELAH CLASSIFIED PUBLIC)	
EMPLOYEES ASSOCIATION,)	
)	CASE NO. 6240-U-86-1191
Complainant,)	
)	
vs.)	ORDER OF DISMISSAL
)	
SELAH SCHOOL DISTRICT,)	
)	DECISION NO. 2425 - PECB
Respondent.)	
)	

The above named complainant filed a complaint charging unfair labor practices with the Public Employment Relations Commission on February 18, 1986, wherein it alleged that the above named respondent had committed unfair labor practices within the meaning of RCW 41.56.140(1), (2), and (4), by refusing to bargain with the complainant as the incumbent exclusive bargaining representative of certain employees during a time when a question concerning representation existed as to those employees on a petition filed by another labor organization. The matter is before the Executive Director for a preliminary ruling pursuant to WAC 391-45-110. At this stage of the proceedings, it must be presumed that all of the facts alleged are true and provable. The question is whether, as a matter of law, the complaint states a cause of action for unfair labor practice proceedings before the Public Employment Relations Commission.

Notice is taken of the docket records of the Commission, which disclose (confirming the allegation of the complaint) that Teamsters Local Union No. 524 filed a timely and properly supported petition with the Commission on June 27, 1985, seeking certification as exclusive bargaining representative of a separate bargaining unit of transportation, maintenance and custodial employees of Selah School District. Case No. 5877-E-

85-1055. That petition raised an issue of severance from the existing bargaining unit of school district classified employees represented by the complainant in the instant case. Although the petition in that case has since been withdrawn, and was dismissed by an order issued on March 24, 1986, Selah School District, Decision 2417 (PECB, 1986), the allegations of the complaint in the instant case clearly deal with the employer's conduct during the period that petition was pending. Under the precedent of Yelm School District, Decision 704-A (PECB, 1980), the employer would have had "no other legal option open to them" but to follow "well settled principles in avoiding controversial involvement with a class of employees disputed under a question concerning representation".

Having considered the matter the Executive Director is satisfied that the complaint does not state a cause of action under the statute.


NOW, THEREFORE, it is

ORDERED

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

DATED at Olympia, Washington, this 28th day of March, 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.