

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

PENNY DUPLER,)	
)	
Complainant,)	CASE NO. 7693-U-88-1619
)	
vs.)	DECISION 3126 - PECB
)	
HOOD CANAL SCHOOL DISTRICT,)	
)	ORDER OF DISMISSAL
Respondent.)	
)	
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EMMETT DUPLER,)	
)	
Complainant,)	CASE NO. 7696-U-88-1622
)	
vs.)	DECISION 3127 - PECB
)	
HOOD CANAL SCHOOL DISTRICT,)	
)	ORDER OF DISMISSAL
Respondent.)	
)	
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The above-captioned matters were docketed on the basis of one complaint form and one set of materials which were filed with the Commission on November 21, 1988. Although apparently a married couple, each of the complainants has had an employment relationship with the respondent and each of the two individuals has asserted claims relating to their separate employment relationships with the respondent. The Commission's case docketing system calls for the handling of the dispute of each individual as a separate case, so two cases were docketed.

It appears from the allegations of the complaint that the complainants resigned from employment with the Shelton School

District prior to the 1985-86 school year, believing that they had an agreement for employment with the Hood Canal School District for the 1985-86 school year. It next appears that they were terminated from employment with the Hood Canal School District after only a brief period. The complainants seek a remedy for losses resulting from the termination of their employment by the Hood Canal School District.

The cases were reviewed by the Executive Director for preliminary rulings pursuant to WAC 391-45-110, and the complainants were informed that there were defects with the complaints, as filed. In particular, the attention of the complainants was directed to RCW 41.56.160, which imposes a six (6) month statute of limitations on the filing of unfair labor practice charges. Accordingly, the complainants were advised that anything which occurred prior to May 21, 1988, could only be taken as background, and that only events occurring within the six months prior to the filing of the complaints could be subject to remedy in the proceedings before the Commission. Although they may have obtained access to certain documents only recently, it is clear that the facts concerning any employment commitment, their discharge and the statements made at the time by employer and union officials were not concealed from the complainants at the time of their occurrence. The transactions at issue are far beyond the statute of limitations, and could not be a basis for finding a violation in current proceedings.

The complainants were allowed a period of fourteen days in which to file and serve an amended complaint. An additional document filed in response to the preliminary ruling confirms that the complainants knew at the time of their discharge that they had a possible cause of action, and that they took steps to seek legal counsel at that time. The fact that they were

unable to locate an attorney willing to take their case at that time does not constitute a basis to suspend application of the period of limitations imposed by the statute.

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices filed in the above-entitled matters is dismissed as failing to state a cause of action for unfair labor practice proceedings before the Public Employment Relations Commission.

DATED at Olympia, Washington, this 21st day of February, 1989.

PUBLIC EMPLOYMENT, RELATIONS COMMISSION

A handwritten signature in cursive script, appearing to read "Marvin L. Schurke".

MARVIN L. SCHURKE, Executive Director

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