

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

WEST VALLEY SCHOOL DISTRICT,)	
)	
Employer.)	
_____)	
RANDY FRIESZ,)	
)	
Complainant,)	CASE 7835-U-89-1672
)	
vs.)	DECISION 3213 - PECB
)	
PUBLIC SCHOOL EMPLOYEES OF)	
WASHINGTON,)	ORDER OF DISMISSAL
)	
Respondent.)	
_____)	

On March 3, 1989, Randy Friesz, an employee of the West Valley School District, filed a complaint charging unfair labor practices with the Public Employment Relations Commission, alleging that the Public School Employees of Washington (PSE) had violated RCW 41.56.150(1), by refusing to process a grievance filed by the complainant.¹

The matter was reviewed by the Executive Director pursuant to WAC 391-45-110, and a preliminary ruling letter was issued on April 25, 1989, informing the complainant that the complaint, as filed, did not appear to state a cause of action for unfair

¹ At the time the grievance arose, PSE was the exclusive bargaining representative of certain employees of the West Valley School District. Another organization has since been certified as exclusive bargaining representative of that bargaining unit. See: West Valley School District, Decision 2913-B (PECB, 1988).

labor practice proceedings before the Commission. Specifically, the complainant was informed that the Commission does not assert jurisdiction over "duty of fair representation" claims arising exclusively out of the failure of a union to process a contractual grievance. Mukilteo School District (Public School Employees of Washington), Decision 1381 (PECB, 1982). Further, in the context of the fact that PSE is no longer the exclusive bargaining representative of employees in the West Valley School District, the complainant was informed that there was no bargaining relationship for the Commission to police. Thus, even if he were able to prove that PSE acted in a manner that constituted a "breach of duty of fair representation" of a type over which the Commission does assert jurisdiction, no remedy would be available against PSE.


The complainant was given a period of fourteen (14) days in which to file an amended complaint or further information with the Commission. No such information has been received.

ORDER

The complaint charging unfair labor practices filed in the above-captioned matter is hereby DISMISSED.

DATED at Olympia, Washington, this 22nd day of May, 1989.

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.