STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

UNITED GENERAL HOSPITAL, Employer.	)	CASE 8528-U-90-1842
BONNIE TAYLOR, Complainant, vs. WASHINGTON STATE NURSES ASSOCIATION, Respondent.	)	DECISION 3689 - PECB ORDER OF DISMISSAL

On April 4, 1990, Bonnie Taylor (complainant) filed a complaint charging unfair labor practices with the Public Employment Relations Commission, alleging that the Washington State Nurses Association (WSNA) had violated RCW 41.56.150, by stripping the complainant of rights associated with union membership and finding her guilty of "dual unionism".

The complaint was reviewed pursuant to WAC 391-45-110, and a letter was directed to the complainant on December 10, 1990, informing her that the complaint, as filed, did not appear to state a cause of action. The complainant was given a period of 14 days in which to file and serve an amended complaint which stated a cause of action, or face dismissal of the complaint. Nothing further has been received from the complainant.

With respect to allegations that the WSNA committed unfair labor practices by violating its own by-laws, by removing the complainant from office as local unit chairperson, and/or by publicizing its finding of "dual unionism" in a statewide union publication, the

preliminary ruling letter noted that unions are traditionally allowed substantial freedom in the conduct of their internal affairs, including the structuring of their by-laws and the rights of members within the organization. The National Labor Relations Board has held it to be within the broad range of permitted actions for a union to deprive an employee of "political" rights within the union, as long as the union does not go beyond the bounds of internal affairs so as to affect the employment relationship. Teamsters Local 165, 211 NLRB 707 (1974); Communications Workers Local 1104, 211 NLRB 114 (1974), enf. 520 F.2d 411 (2nd Cir, 1975). In the absence of any allegation that the complainant has been threatened with, or has actually suffered, any loss of employment, these allegations do not state a cause of action.

The complaint also alleged that the WSNA had committed unfair labor practices by requiring the complainant to continue to pay dues, while denying her the rights associated with union membership; by negotiating a contract that denies employees the opportunity to withdraw from union membership; and by inducing the employer to commit an unfair labor practice, by continuing to deduct union dues from the complainant's wages after she was denied the privileges of union membership. With respect to these allegations, the preliminary ruling letter noted that union security agreements between an employer and an exclusive bargaining representative are permitted by RCW 41.56.122 and by decisions of the Supreme Court of the United States, such as Chicago Teachers Union v. Hudson, 475 U.S. 209 (1986). While the collective bargaining agreement between the WSNA and United General Hospital did not appear to specifically outline a "representation fee-payer" status available under Hudson, it was observed that collective bargaining agreements are normally interpreted so as to comport with existing law. In the absence of any allegation that the complainant had requested, and that the union had denied, an apportionment of union costs under the Hudson precedent, these allegations do not state a cause of action.

The remaining allegation of the complaint claimed that the WSNA structure under which the complainant was accused and found guilty of "dual unionism" was dominated by management. The preliminary ruling letter noted that a cause of action could exist against a union for making and maintaining a bargaining relationship in which union-represented "supervisors" were able to prejudice the rights of rank-and-file employees represented by the same union. King County, Decision 3245-B (PECB, 1990). The complaint was found to be so lacking in detail, however, as to preclude a conclusion that a cause of action existed in this case.

In the absence of an amended complaint, the complaint must be dismissed on the bases outlined in the preliminary ruling letter.

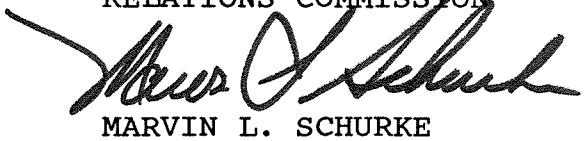
NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices filed in the above-captioned matter is DISMISSED for failure to state a cause of action.

DATED at Olympia, Washington, this 17th day of January, 1991.

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.