

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

LONGVIEW SCHOOL DISTRICT,	)	
	)	
Employer	)	
-----	)	
LAWRENCE A. GREGG,	)	
	)	
Complainant,	)	CASE 8912-U-90-1961
	)	
vs.	)	DECISION 3898 - PECB
	)	
SERVICE EMPLOYEES INTERNATIONAL	)	
UNION, LOCAL 288,	)	
	)	
Respondent.	)	ORDER OF DISMISSAL
	)	
	)	

On October 22, 1990, Lawrence A. Gregg filed a complaint charging unfair labor practices with the Public Employment Relations Commission.<sup>1</sup> Additional documents were filed with the Commission on June 4, 1991. The complainant made a number of allegations, primarily involving alleged misconduct by Service Employees International Union, Local 288, against its members in the Longview School District.

The complaint, as amended, was reviewed pursuant to WAC 391-45-110, and a preliminary ruling letter issued on September 5, 1991, pointed out a number of problems with the complaint.

None of the documents on file identified the sections of statute claimed to have been violated. It was noted that the Commission

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<sup>1</sup> The complaint was signed by Clarence Krause and Lawrence A. Gregg, and the case was originally docketed in the name of Clarence Krause. Close reading of the documents during the preliminary ruling process revealed that Mr. Krause had retired from the Longview School District in 1976. The docketing was then adjusted to list Mr. Gregg as complainant.

was unable to ascertain or infer which provisions of statute the complainant alleged to have been violated.

A number of allegations concerned the legitimacy of the procedure used by the employer and union for collecting dues from temporary and/or substitute employees. With respect to those allegations, it was noted that:

a) To the extent that the documents on file suggested a violation of the collective bargaining agreement, the Commission lacks jurisdiction to determine such claims;

b) To the extent that the documents suggested a dispute between the employees and the trustees of the local union concerning the operation of the local union, the Commission lacks jurisdiction to hear and remedy such claims; and

c) To the extent that the documents suggested a unilateral change of practice made by the employer, an individual employee lacks legal standing to process such claims.

Allegations were also made with respect to the legitimacy of a payment by the local union to a political action fund. With respect to those allegations, it was noted that:

a) To the extent that the complaint took issue with actions which occurred more than six months prior to the filing of the complaint, it was untimely under the provisions of RCW 41.56.160;

b) To the extent that the documents suggested a dispute between the employees and the trustees, the Commission lacks jurisdiction to remedy such problems; and

c) To the extent that the documents suggested a violation of federal statutes, the Commission lacks jurisdiction to interpret or enforce such statutes.

The complainant was given a period of 14 days in which to file and serve an amended complaint stating a cause of action, or face dismissal of the complaint. Nothing further has been heard or received from the complainant.

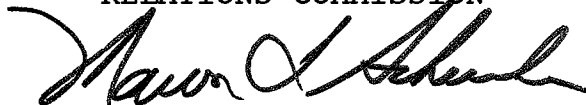
NOW, THEREFORE, it is

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 21st day of October, 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.