

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

DOYLE THIBERT,)	
)	
Complainant,)	CASE 9204-U-91-2041
)	
vs.)	DECISION 4054 - PECB
)	
CITY OF SELAH EMPLOYEES)	
ASSOCIATION,)	
Respondent.)	
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DOYLE THIBERT,)	
)	
Complainant,)	CASE 9238-U-91-2051
)	
vs.)	DECISION 4055 - PECB
)	
CITY OF SELAH,)	ORDER OF DISMISSAL
)	
Respondent.)	
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On June 12, 1991, Doyle Thibert filed a complaint charging unfair labor practices with the Public Employment Relations Commission (Case 9204-U-91-2041). That complaint alleged that the exclusive bargaining representative for the complainant, the City of Selah Employees Association, had improperly refused to process a grievance concerning the complainant's termination from employment, and had refused to afford him representation with respect to his termination during his probationary period.

On July 1, 1991, Thibert filed a complaint charging unfair labor practices against the City of Selah (Case 9238-U-91-2051), alleging that the employer acted improperly in refusing to provide him with information to assist him in processing a grievance concerning his

termination, and further alleging that the employer acted improperly in refusing to consider his termination grievable.

A preliminary ruling letter issued on March 30, 1992, informed the complainant that the Commission does not have jurisdiction to remedy "breach of contract" matters through the unfair labor practice provisions of Chapter 41.56 RCW. City of Walla Walla, Decision 104 (PECB, 1976). The complainant was further informed that Commission precedent establishes that "duty of fair representation" claims arising out of a union's refusal to process a grievance must be pursued in the courts. Mukilteo School District (Public School Employees of Washington), Decision 1381 (PECB, 1982). The complainant was informed that a refusal by the exclusive bargaining representative to assist him as an employee would state a cause of action if the union's actions could be shown to be arbitrary or discriminatory, but that further information would be required from him in order for the Commission to make such a determination. With respect to the allegations against the employer, the complainant was informed that the Commission does not assert jurisdiction to review the legitimacy of discharges from employment based on grounds other than participation in, or refraining from, union activities. He was also informed that, under the statute administered by the Commission, the right to have certain information goes to the union, rather than to an individual employee. The complainant was informed that the Commission does not administer the state public disclosure laws, so that his claims under that statute did not state a cause of action for proceedings before the Commission.

The complainant was given a period of 14 days following the date of the preliminary ruling letter in which to file and serve amended complaints stating causes of action, or face dismissal of his complaints as filed. Nothing further has been heard from the complainant.

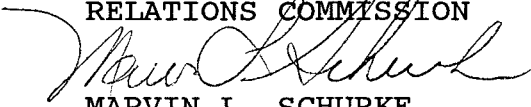
NOW, THEREFORE, it is

ORDERED

The complaints charging unfair labor practices filed in the above-captioned matters are hereby DISMISSED for failure to state a cause of action.

Dated at Olympia, Washington, this 28th day of April, 1992.

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.