

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

KING COUNTY,)	
)	
Complainant,)	CASE 9656-U-92-2179
)	
vs.)	DECISION 4096 - PECB
)	
PUBLIC SAFETY EMPLOYEES,)	
LOCAL 519, AFL-CIO,)	
)	ORDER OF DISMISSAL
Respondent.)	
)	
)	

The complaint charging unfair labor practices was filed with the Public Employment Relations Commission in the above-captioned matter on February 25, 1992. The case came before the Executive Director for a preliminary ruling pursuant to WAC 391-45-110,¹ and a preliminary ruling letter issued on May 11, 1992 pointed out defects with the complaint, as filed. The employer was given 14 days in which to file and serve an amended complaint, but nothing further has been heard or received from the employer on this case.

The employer seeks to block arbitration of a grievance. The entire dispute arises in the context of a written and signed collective bargaining agreement between the parties. The employer alleges that a salary survey was conducted pursuant to a specific provision of the parties' contract, that it was willing to implement the results of that survey, that the union at one time accepted the results of the salary survey, and that the union is now pursuing a grievance on the matter, in violation of that agreement.

¹ At this stage of the proceedings, all of the facts alleged in the complaint are assumed to be true and provable. The question at hand is whether, as a matter of law, the complaint states a claim for relief available through unfair labor practice proceedings before the Public Employment Relations Commission.

The Public Employment Relations Commission does not assert jurisdiction to remedy violations of collective bargaining agreements through the unfair labor practice provisions of the statute. City of Walla Walla, Decision 104 (PECB, 1976). Such matters are for resolution in the courts, or by means of dispute resolution machinery contained within the contract, such as grievance arbitration. In the case at hand, the parties have a contract, and they have a dispute about what it means or how it ought be applied. Those are not issues for the Commission.

In Thurston County Communications Board, Decision 103 (PECB, 1976), it was held that the Commission does not become involved in enforcement of the contractual agreement to arbitrate grievances. Such matters are also for the courts, or for "substantive arbitrability" rulings by arbitrators. In the case at hand, the employer might resist arbitration, or it might argue to the arbitrator that the claimed settlement is binding on the union. Again, however, those are not issues for resolution by the Commission.

NOW, THEREFORE, it is

ORDERED

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

Entered at Olympia, Washington, on the 12th day of June, 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.