

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

WASHINGTON STATE PATROL)	
TROOPERS ASSOCIATION,)	
)	CASE 9776-U-92-2224
Complainant,)	
)	
vs.)	DECISION 4166 - PECB
)	
WASHINGTON STATE PATROL,)	ORDER OF DISMISSAL
)	
Respondent.)	
)	
)	

On April 27, 1992, the Washington State Patrol Troopers Association (union) filed a complaint charging unfair labor practices with the Public Employment Relations Commission, alleging that the Washington State Patrol (employer) had committed an unfair labor practice by insisting, up to and after factfinding, that discipline and discharge matters be excluded from grievance arbitration proceedings. The union theorized that, once the parties agreed upon an arbitration procedure, the issue of whether some contract terms would be exempt from the grievance procedure is a permissive subject of collective bargaining. The union alleged that the employer had violated the statute, by insisting to impasse on its non-arbitrability position.

The complaint was reviewed by the Executive Director pursuant to WAC 391-45-110.¹ A preliminary ruling letter issued on May 21, 1992, indicated that the complaint, as filed, did not state a cause of action. The attention of the parties was first directed to the

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.

plain language of RCW 41.56.030(4), which defines "collective bargaining" in a manner that does not impose a duty to agree. The attention of the parties was next directed to City of Tukwila, Decision 1975 (PECB, 1984), in which the "procedures" surrounding the bargaining process were distinguished from the conventional mandatory subjects for collective bargaining, including grievance procedures. Third, it was noted that the complaint did not include any allegations that the employer had acted in bad faith, had refused to hear or consider union proposals, had refused to explain its own position, had retrenched from an earlier position more favorable to the union, or any other of the potential indicia of a refusal to bargain violation under RCW 41.56.140.

The union was given a period of 14 days following the date of the letter 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 union.

NOW, THEREFORE, it is

ORDERED

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

Dated at Olympia, Washington, this 18th day of August, 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.