

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

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| SPOKANE AIRPORT BOARD, |) | |
| |) | |
| Complainant, |) | CASE 10481-U-93-2426 |
| |) | |
| vs. |) | DECISION 4559 - PECB |
| |) | |
| INTERNATIONAL ASSOCIATION OF |) | |
| FIREFIGHTERS, LOCAL 1789, |) | |
| |) | |
| Respondent. |) | ORDER OF DISMISSAL |
| |) | |
| |) | |

On May 26, 1993, the Spokane Airport Board filed a complaint charging unfair labor practices with the Public Employment Relations Commission. The allegations of the complaint concerned the union's failure to follow the contractual grievance procedure, by pursuing a grievance concerning employees who were not covered by the collective bargaining agreement, and by failing to adhere to the provisions of the contractual grievance procedure concerning mediation.

A preliminary ruling was issued in the matter on July 23, 1993, in accordance with the provisions of WAC 391-45-110.¹ It was noted in the preliminary ruling letter that the complaint appeared to involve a matter of contractual interpretation only, and as such would not be subject to resolution through the unfair labor practice procedures of the Commission. Thurston County Communica-

¹ At that 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.

tions Board, Decision 103 (PECB, 1976). The Executive Director noted that he was unable to discern a statutory basis for the complaint. Thus no cause of action appeared to exist in the matter. The complainant was given a period of 14 days following the date of the preliminary ruling 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 heard or received from the complainant in this matter.

NOW, THEREFORE, it is

ORDERED

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

DATED at Olympia, Washington, this 20th day of December, 1993.

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.