

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

SEATTLE SCHOOL DISTRICT,)	
)	
Employer,)	
-----)	
ROBERT STEPHENS,)	CASE 10966-U-94-2552
)	
Complainant,)	DECISION 4787 - PECB
)	
vs.)	
)	
SEATTLE EDUCATION ASSOCIATION,)	
)	
Respondent.)	ORDER OF DISMISSAL
)	
_____)	

On January 18, 1994, Robert Stephens filed a complaint charging unfair labor practice with the Public Employment Relations Commission, alleging that the Seattle Education Association had failed to provide him with representation in meetings with the Seattle School District regarding a performance evaluation, and that it had failed to take any of his grievances to arbitration.¹ A preliminary ruling letter issued on February 18, 1994, informed the complainant that certain problems existed with the complaint as filed.²

The Commission does not assert jurisdiction over "duty of fair representation" claims arising exclusively from differences of

¹ On that same date, Mr. Stephens also filed a complaint charging unfair labor practices against the Seattle School District. That matter is being processed separately under Case 10967-U-94-2553.

² 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.

opinion regarding the merits of contractual grievances. Such claims must be presented to a court, which would have jurisdiction to determine and remedy any underlying contract violation. Mukilteo School District (Public School Employees of Mukilteo), Decision 1381 (PECB, 1982). The preliminary ruling letter noted that a cause of action could exist if Stephens was alleging that the union had refused to represent him or to process a grievance because he had filed a previous unfair labor practice complaint against it, but that the complaint was unclear.

Stephens 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 this complaint. Nothing further has been heard or received from him on this matter since that time.

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 22nd day of July, 1994.

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.