

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSIO

KELSO POLICE BENEFIT ASSOCIATION,)	
)	
Complainant,)	CASE 11575-U-95-2711
)	
vs.)	DECISION 5041 - PECB
)	
CITY OF KELSO,)	
)	
Respondent.)	ORDER OF DISMISSAL
)	
)	

The complaint charging unfair labor practices was filed in the above-entitled matter on February 3, 1995. The allegations concern the employer's refusal to implement a grievance arbitration award favoring the Kelso Police Benefit Association (union).¹

In a preliminary ruling letter issued on February 21, 1995, pursuant to WAC 391-45-110,² the Executive Director noted that the Commission does not assert jurisdiction to enforce the grievance and arbitration machinery of collective bargaining agreements through the unfair labor practice provisions of Chapter 41.56 RCW,

¹ The underlying dispute arose out of a suspension without pay which was given to Officer Stair as discipline for his involvement in an auto collision with a Cowlitz County officer. The union filed a grievance concerning the suspension, and the matter was referred to arbitration under the parties' collective bargaining agreement. On December 30, 1994, Arbitrator Janet L. Gaunt issued an aribation award which replaced the suspension with a written warning. The employer is accused here of refusing to pay the wages lost during the suspension.

² 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.

and that the complaint thus failed to state a cause of action as filed.

The union responded to the preliminary ruling letter with a brief letter "objecting" to dismissal of its complaint. Without citation of any legal authority, the union asserted a belief that parties should not have to resort to common law remedies to enforce grievance arbitration awards. The union's preferences do not overrule years of Commission precedent. Thurston County Communications Board, Decision 103 (PECB, 1976), controls this case. If there has been a refusal to comply with the arbitration award, that would need to be remedied by a court.³

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in the above-captioned matter is DISMISSED for lack of jurisdiction.

ISSUED at Olympia, Washington, this 17th day of March, 1995.

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.

³ On March 1, 1995, the employer informed the Commission that litigation related to this dispute was commenced on January 4, 1995, in Cowlitz County Superior Court, under Cause No. 95-2-00098-4.