



In a preliminary ruling letter dated November 22, 1994, the complainant was notified that the complaint failed to state a cause of action, as filed. The complainant was given 14 days to file an amended complaint that would comply with the format required by WAC 391-45-050 and would state a cause of action. An extension of time was granted.

On January 3, 1995, Cordaro filed an amended statement of facts. The complaint, as amended, is presently before the Executive Director for a preliminary ruling pursuant to WAC 391-45-110.<sup>2</sup>

The amended complaint does not allege any facts supporting the allegation the union discriminated against Cordaro for filing charges. That allegation must be dismissed for failure to state a claim for relief which can be granted by the Commission.

The amended complaint alleges the union violated rights assured to Cordaro by Chapter 41.56 RCW when it excluded him from a meeting of union representatives allegedly organized to discuss the decertification petition. Cordaro has not cited any provision of Chapter 41.56 RCW, nor is any found, that obligates a union to provide a campaign forum to the person seeking to terminate the union's status as exclusive bargaining representative. Furthermore, this allegation focuses on the union's regulation of its internal affairs, a matter over which the Commission has limited jurisdiction. City of Pasco, Decision 4860 (PECB, 1994); Lewis County, Decision 464, 464-A (PECB, 1978). This allegation must be dismissed for failure to state a claim for relief which can be granted by the Commission.

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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 Commission.

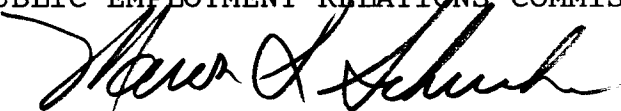
NOW, THEREFORE, it is

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 10th 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.