

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

SEATTLE SCHOOL DISTRICT,	)	
	)	
Employer.	)	
-----	)	
JANET RAETZLOFF,	)	CASE 11360-U-94-2661
	)	
Complainant,	)	
	)	
vs.	)	DECISION 5063 - EDUC
	)	
SEATTLE EDUCATION ASSOCIATION,	)	
	)	ORDER OF DISMISSAL
Respondent.	)	
	)	
	)	

On October 3, 1994, Janet Raetzloff filed a complaint charging unfair labor practices with the Public Employment Relations Commission, alleging that the Seattle Education Association (SEA) had taken a number of actions adverse to her interests. The dispute arises out of the complainant's employment with the Seattle School District in a bargaining unit represented by the SEA. Specifically, the complaint alleged that the union had acted as advisor to a group of employees which was taking a position against the complainant; that the union had attempted to persuade the employer's legal counsel to represent a group of employees against her; and that it failed to provide her with advice regarding her application for handicapped status, administrative transfers, or representation rights.

The complaint was reviewed by the Executive Director, in accordance with the provisions of WAC 391-45-110. 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. A preliminary ruling letter issued on February 27, 1995, noted that there were certain problems with this complaint as filed:

1. The complainant was advised that RCW 41.59.150 provides that a complaint may not be processed for actions which occurred more than six months prior to the filing of the complaint with the Commission. This complaint could be timely only for actions occurring on or after April 3, 1994.
2. The complainant was advised that nothing in the statement of facts filed with the complaint form indicated the origin of the adverse actions allegedly taken by the union against her, and that information would be needed to link any challenged union actions to some activity on the part of the complainant that was protected by the Educational Employment Relations Act, Chapter 41.59 RCW.

WAC 391-45-050 requires specific information concerning the timing, participants and nature of the occurrences at issue in an unfair labor practice case. The Executive Director must act on the basis of what is contained within the four corners of the statement of facts, and is not at liberty to fill in gaps or make leaps of logic. If it is not possible to conclude from the materials on file that a cause of action exists, a complaint must be dismissed.

In this case, 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 received from the complainant.

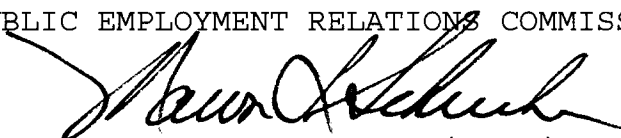
NOW, THEREFORE, it is

ORDERED

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

DATED at Olympia, Washington, this 7th day of April, 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.