

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

PHIL H. BARBERG,)	
)	CASE 11752-U-95-2768
Complainant,)	
)	
vs.)	DECISION 5178 - PECB
)	
COMMUNITY TRANSIT,)	
)	
Respondent.)	ORDER OF DISMISSAL
)	
)	

On April 11, 1995, Phil H. Barberg filed a complaint charging unfair labor practices with the Public Employment Relations Commission, alleging that Community Transit had committed unfair labor practices in its hiring and promotional practices. Specifically, Mr. Barberg alleges that applicants whose qualifications were far inferior to his were selected by the employer for security positions.

A preliminary ruling letter issued on May 24, 1995,¹ invited Mr. Barberg to detail the relationship between the employer's choice of security personnel and the exercise (or non-exercise) of union rights by Mr. Barberg or any other employee. No amended complaint has been received.

Paragraphs 3 and 4 of the statement of facts concern alleged violations of the rights of others. Mr. Barberg does not have

¹ Preliminary rulings are made under WAC 391-45-110. 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.

standing to pursue such claims, because an individual can only present his or her own claims. C-TRAN, Decision 4005 (PECB, 1992).

The name "Public Employment Relations Commission" is sometimes interpreted as implying a broader scope of authority than is actually conferred upon the agency by statute. The Commission's jurisdiction is limited to the resolution of collective bargaining disputes between employers, employees, and unions. The agency does not have authority to resolve each and every dispute that might arise in public employment. The facts alleged in this case reveal a difference of opinion between an employee and the employer over which applicant is best qualified for a position. Absent allegations that the employer's choice of applicants was affected by participation, or nonparticipation, in union activities, the complaint fails to state a cause of action.


NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices filed in this matter is DISMISSED for failure to state a cause of action.

Issued at Olympia, Washington, this 27th day of June, 1995.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARVIN L. SCHURKE, Executive Director

This order will be the final order of the agency unless appealed by filing a petition for review with the Commission pursuant to WAC 391-45-350.