

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

TEAMSTERS UNION, LOCAL 763,)	
)	
Complainant,)	CASE 11556-U-95-2704
)	
vs.)	DECISION 5154 - PECB
)	
LAKE WASHINGTON SCHOOL DISTRICT,)	
)	ORDER OF DISMISSAL
Respondent.)	
)	
)	

The complaint charging unfair labor practices in the above-captioned matter was filed with the Commission on January 26, 1995. In a preliminary ruling letter issued on March 20, 1995, pursuant to WAC 391-45-110,¹ the parties were notified of certain problems which precluded processing of the complaint as filed.

The first problem noted in the preliminary ruling letter was that the complaint was insufficient to meet the requirements of WAC 391-45-030(5). 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.

The second problem noted in the preliminary ruling letter was that, from the limited information then available, the case appeared to involve only an alleged violation of the parties' collective

¹ 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.

bargaining agreement.² The union was allowed 14 days in which to file and serve an amended complaint, or face dismissal of the case for the reasons indicated in the preliminary ruling letter. Nothing further has been heard or received from the union on this matter.


NOW, THEREFORE, it is

ORDERED

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

Issued at Olympia, Washington, on the 8th 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.

² The Public Employment Relations Commission does not assert jurisdiction to remedy violations of collective bargaining agreements through the unfair labor practice provisions of the statute. City of Walla Walla, Decision 104 (PECB, 1976).