

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

BREMERTON PATROLMEN'S ASSOCIATION,)	
)	
)	CASE 12312-U-96-2910
Complainant,)	
)	
vs.)	DECISION 5537 - PECB
)	
CITY OF BREMERTON,)	
)	
Respondent.)	ORDER CLOSING CASE
)	

On February 5, 1996, the Bremerton Patrolmen's Association filed a complaint charging unfair labor practices with the Public Employment Relations Commission, alleging that the employer violated RCW 41.56.140(4) and the parties' collective bargaining agreement by unilaterally changing its payment practices in relation to a uniform cleaning allowance.

A preliminary ruling letter directed to the parties on March 27, 1996, advised them that certain problems existed with the complaint, as filed.¹ Specifically, it was noted that section 15.3 of the agreement addresses the amount and payment practices for this allowance. The complaint form indicates that the union has not filed a grievance involving this dispute. The Commission does not assert jurisdiction to remedy violations of collective bargaining agreements through the unfair labor practice provisions of the statute. The union was informed that if it was able to prove a contract violation at a hearing in this matter, the Commission would dismiss the unfair labor practice case.

¹ 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.

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 its complaint. No additional information 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 16th day of May, 1996.

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.