

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

STEILACOOM OFFICERS' ASSOCIATION,)	
)	
Complainant,)	CASE 12217-U-95-2884
)	
vs.)	DECISION 5479 - PECB
)	
TOWN OF STEILACOOM,)	
)	
Respondent.)	ORDER OF DISMISSAL
)	
)	

The complaint charging unfair labor practices was filed with the Public Employment Relations Commission in the above-captioned matter on November 29, 1995. The original complaint was accompanied by three statements of fact, labeled "A", "B" and "C", and it was concluded that three separate charges were being filed. Two additional case numbers were thus assigned, and the charges marked "B" were given the case number indicated above. On January 18, 1996, the Executive Director issued a preliminary ruling pursuant to WAC 391-45-110.¹ The complaint was found insufficient to state a cause of action, and the complainant was given a period of 14 days in which to file and serve an amended complaint. Nothing further has been heard or received from the complainant.

This matter concerns an alleged violation of RCW 41.56.140(2), which relates to employer control, domination or interference with a labor organization. The specific allegations are that the employer assigned a bargaining unit member to conduct an investiga-

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.

tion of another bargaining unit member for the purpose of proposing discipline. The alleged incident occurred on March 7, 1995. RCW 41.56.160 establishes a six-month statute of limitations for filing unfair labor practice complaints, so this complaint filed in November of 1995 was untimely as to the incident alleged.²

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in the above-captioned matter is DISMISSED as untimely.

Issued at Olympia, Washington, on the 19th day of March, 1996.

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 preliminary ruling letter noted that facts alleged were not sufficient to state a cause of action, even if the complaint were timely. While the organization alleges that it "... had not waived its right" to allow one of its members to propose discipline against another of its members, and that the employer's action of requiring one member to assist in the disciplinary process against another member "interferes ... with the association's statutory duty to provide fair representation to its members", those facts do not constitute a violation. The Commission only asserts jurisdiction over "duty of fair representation" issues where it appears that a union has acted against an employee it represents because of invidious discrimination, such as on the basis of race, sex, national origin, or handicap. Seattle School District, Decision 4917-A (EDUC, 1995). Nothing suggests an actual, or even potential, invidious discrimination against an bargaining unit member.