

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

TERRY HAMMOND and/or INTERNATIONAL))	
FEDERATION OF PROFESSIONAL AND))	
TECHNICAL ENGINEERS, LOCAL 17,))	
)	
Complainant,))	CASE 12669-U-96-3025
)	
vs.))	DECISION 5719 - PECB
)	
KING COUNTY,))	
)	
Respondent.))	ORDER OF DISMISSAL
)	
)	

On August 23, 1996, Terry Hammond filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming King County as the "respondent". Hammond named International Federation of Professional and Technical Engineers, Local 17, as the "complainant", but he only identified himself as a "shop steward" and he provided no information from which to evaluate whether he has any authority to act for the union in this type of proceeding.

The complaint was reviewed for the purpose of making a preliminary ruling under WAC 391-45-110.¹ A deficiency notice was sent to the union, the employer, and Hammond on September 25, 1996, pointing out certain inadequacies in the complaint, as filed. A period of 14 days was allowed for the filing and service of an amended complaint, and the parties were advised that the complaint would be dismissed in the absence of a timely

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.

amendment. Nothing further has been heard or received from the union or Hammond.

Although the unfair labor practice complaint form promulgated by the Commission was filled out and submitted, that form was not accompanied by the statement of facts required by the Commission's rules. WAC 391-45-050 includes:

Each complaint shall contain in separate numbered paragraphs:

...

(2) Clear and concise statements of the facts constituting the alleged unfair labor practices, including times, dates, places and participants in occurrences.

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. It is not possible to conclude from the materials now on file that a cause of action exists.

Even if the complaint were in proper form, it does not appear that a cause of action would exist. The dispute appears to arise out of a claim that the employer's elimination of "take home cars" violated the collective bargaining agreement between the employer and Local 17. It appears that the employer and Local 17 arbitrated that dispute, and received an arbitration award favorable to the union. 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). Closely related to that principle, the Commission does not assert jurisdiction to enforce the agreement to arbitrate or to enforce arbitration awards. Thurston County, Decision 103 (PECB, 1976).

NOW THEREFORE, it is

ORDERED

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

Dated at Olympia, Washington, this 31st day of October, 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.