

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

CLOVER PARK EDUCATION ASSOCIATION,	)	
	)	
Complainant,	)	CASE 13046-U-97-3153
	)	
vs.	)	DECISION 6072 - EDUC
	)	
CLOVER PARK SCHOOL DISTRICT,	)	
	)	
Respondent.	)	ORDER DENYING MOTION
	)	FOR CONTINUANCE
	)	

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On September 30, 1997, the respondent filed a Motion for Continuance in the hearing scheduled for the subject case. The motion was predicated upon the affidavit of its counsel that a pending arbitration of a grievance filed pursuant to a collective bargaining agreement between parties may resolve some of the issues herein.

On September 30, 1997, counsel for complainant filed a declaration in opposition to respondent's motion. The declaration was predicated upon certain events at the arbitration hearing, including a contention by the employer that the arbitrator did not have jurisdiction to determine whether the employer changed the terms or conditions of employment of parties covered by the collective bargaining agreement.

The complaint alleges a violation of a statutory obligation to bargain in good faith, through actions of bypassing the union in

order to communicate an offer directly to employees and implementing the offer without fulfilling its bargaining obligations to the union. Such allegations are for the Commission and its Examiner to decide.

The complaint does not state a cause of action predicated upon breach of the parties' collective bargaining agreement. An arbitrator, acting under authority of the parties' collective bargaining agreement would not be able to remedy the statutory violations alleged by the complainant. Accordingly, this case is not one in which deferral to await an arbitrator's award would be appropriate.

NOW, THEREFORE, it is

ORDERED

The Motion for Continuance filed by the employer in the above-captioned matter is DENIED.

Issued at Olympia, Washington, this 8<sup>th</sup> day of October, 1997.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



VINCENT M. HELM, Examiner  
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