

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

C-TRAN,)	
)	
Employer.)	
-----)	
DWIGHT J. ROBINSON,)	CASE 13630-U-97-3334
)	
Complainant,)	DECISION 6247 - PECB
)	
vs.)	
)	
INTERNATIONAL ASSOCIATION)	
OF MACHINISTS AND AEROSPACE)	
WORKERS, LOCAL 1374,)	
)	
Respondent.)	ORDER OF DISMISSAL
)	
)	

On December 31, 1997, Dwight J. Robinson filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, alleging that International Association of Machinists and Aerospace Workers, Local 1374, committed an unfair labor practice by its response (or lack of response) to his request that it file a grievance on his behalf.

The complaint was reviewed by the Executive Director under WAC 391-45-110.¹ That procedure conforms to RCW 34.05.419(2), which requires administrative agencies to:

Examine the application, notify the applicant of any obvious errors or omissions, [and] request any additional

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.

information the agency wishes to obtain and is permitted by law to require.

A deficiency notice issued on January 27, 1998, informed Robinson that:

- The complaint, as filed, lacked necessary details about the union's action or inaction;
- The Commission does not assert jurisdiction to remedy violations of collective bargaining agreements through the unfair labor practice provisions of the statute;² and
- The Commission does not assert jurisdiction over "breach of duty of fair representation" claims arising exclusively out of the processing of contractual grievances.³

It was noted that the Commission does assert jurisdiction to police its certifications, where a union is alleged to have acted against a bargaining unit member for reasons that constitute invidious discrimination (e.g., disability, national origin, race, religion, sex, union activities or lack thereof), but that there were no such allegations in this case. The complainant was given 14 days in which to file an amended complaint which stated a cause of action, or face dismissal of this complaint.⁴

An amended complaint was timely filed, but it lacked any allegations of invidious discrimination. Accordingly, the complaint, as

² City of Walla Walla, Decision 104 (PECB, 1976).

³ Mukilteo School District (Public School Employees of Washington), Decision 1381 (PECB, 1982).

⁴ A complaint Robinson filed against the employer is being processed separately as Case 13629-U-97-3333.

amended, fails to state a cause of action within the jurisdiction of the Commission.

NOW, THEREFORE, it is

ORDERED

The complaint and amended complaint charging unfair labor practices in the above-captioned matter are DISMISSED as failing to state a cause of action.

Issued at Olympia, Washington, this 1st day of April, 1998.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Marvin L. Schurke", written in a cursive style.

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.