

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

HIGHLINE SCHOOL DISTRICT,

Employer.

ROBERT CALDWELL,

Complainant,

vs.

TEAMSTERS LOCAL 763,

Respondent.

CASE 25548-U-13-6538

DECISION 11709 - PECB

ORDER OF DISMISSAL

On March 19, 2013, Robert Caldwell (Caldwell), filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, naming Teamsters Local 763 (union) as respondent. The complaint was reviewed under WAC 391-45-110,¹ and a deficiency notice issued on April 23, 2013, indicated that it was not possible to conclude that a cause of action existed at that time. Caldwell was given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case.

Caldwell has not filed any further information. The Unfair Labor Practice Manager dismisses the complaint for failure to state a cause of action.

DISCUSSION

The allegations of the complaint concern union interference with employee rights in violation of RCW 41.56.150(1), by failing to file a grievance on behalf of Caldwell. The deficiency notice pointed out the defects to the complaint.

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.

Caldwell alleges that the union failed to file a grievance on his behalf after he was terminated from employment. Although a union has a duty of fair representation to its members, the Commission declines to assert jurisdiction on breach of the duty of fair representation allegations arising exclusively from the processing of claims under an existing collective bargaining agreement.

The Commission does not have authority to intervene in this claim because it solely involves a grievance. Grievances are contractual matters, and Caldwell must seek relief through internal union procedures or the civil courts.

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in Case 25548-U-13-6538 is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 24th day of April, 2013.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



DAVID I. GEDROSE, Unfair Labor Practice Manager

This will be the final order of the agency unless a notice of appeal is filed with the Commission under WAC 391-45-350.



PUBLIC EMPLOYMENT RELATIONS COMMISSION

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PUBLIC EMPLOYMENT RELATIONS
COMMISSION

BY: /s/ ROBBIE DUFFIELD

CASE NUMBER: 25548-U-13-06538 FILED: 03/19/2013 FILED BY: PARTY 2
DISPUTE: UN INTERFERENCE
BAR UNIT: MIXED CLASSES
DETAILS: -
COMMENTS:

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