

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

JERILYN DODSON,	)	
	)	
Complainant,	)	CASE NOS. 6851-U-87-1382
	)	6852-U-87-1383
vs.	)	
	)	DECISION 2780-A - EDUC
BREWSTER SCHOOL DISTRICT and	)	
BREWSTER EDUCATION ASSOCIATION,	)	
	)	ORDER OF DISMISSAL
Respondents.	)	
<hr/>		

The captioned matters are again before the Executive Director for preliminary rulings pursuant to WAC 391-45-110.

The complaints in the above-captioned cases were among a group of eight similar cases docketed at the same time in April of 1987. All eight cases were the subject of an earlier preliminary ruling in Brewster School District, Decisions 2779, 2780, 2781, 2782 (EDUC, September 30, 1987), wherein it was found that an unfair labor practice cause of action could exist for unlawful enforcement of an otherwise lawful union security agreement, but that all of the complaints contained defects which precluded their immediate processing.

Specifically, as regards complaint filed by Jerilyn Dodson, it was noted that:

Looked at in isolation, the complaints filed in these matters appear to be premature. The rules of the Commission require, at WAC 391-45-050(3), that the statement of facts accompanying a complaint be clear and concise, including times,

places and participants in occurrences. There is no allegation here that any of the individual employees have previously notified the union of their objection, that the union has refused to supply information, that the union has failed to respond to an objection in the manner described in Hudson,<sup>1</sup> or that the union has declined to escrow disputed dues amounts. Were the complaints the only documents on file, the complaints would be dismissed as insufficient to state a cause of action.

It was further noted that Complainant Dodson was the petitioner in "religious objection" proceedings before the Commission under Chapter 391-95 WAC, under which dues money in dispute was to be held in escrow. The order provided:

The complaints filed by ... Dodson ... fail to state a cause of action at the present time, as it appears their entire dues amounts have been or are being held in escrow pending disposition of their "religious objections" cases under Chapter 391-95 WAC. Any amended complaint must also fully set forth the facts as required by WAC 391-45-050(3).

Although no specific time limit was set for the filing of an amended complaint, nothing further has been received from or on behalf of complainant Dodson in more than seven months.

The docket records of the Commission disclose that the proceedings initiated by Dodson under Chapter 391-95 WAC were the subject of a ruling in Brewster School District, Decision 2908 (EDUC, April 18, 1988) that Dodson was not entitled to assert a right of non-association under RCW 41.59.100. Those proceedings were closed on May 10, 1988 in the absence of a

---

<sup>1</sup> Referring to Chicago Teachers Union v. Hudson, 475 U.S. 209 (1986).

petition for review, and the escrow of dues funds established pursuant to WAC 391-95-130 was thereupon dissolved.

It thus appears that the complainant has failed to take steps to preserve the escrow of disputed funds or to amend the complaints, so that the above-captioned unfair labor practice cases should be deemed to have been abandoned. They will be stricken from the Commission's docket of pending cases accordingly.


NOW, THEREFORE, it is

ORDERED

The complaints charging unfair labor practices filed in the above-captioned matters are dismissed.

DATED at Olympia, Washington, this 20th day of June, 1988.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

This Order may be appealed by filing a petition for review with the Commission pursuant to WAC 391-45-350.