

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

INTERNATIONAL BROTHERHOOD OF)	
ELECTRICAL WORKERS, LOCAL 77,)	
)	CASE 9444-U-91-2103
Complainant,)	
)	
vs.)	DECISION 4057 - PECB
)	
CITY OF SEATTLE,)	
)	ORDER OF DISMISSAL
Respondent.)	
)	
)	

On October 28, 1991, the International Brotherhood of Electrical Workers, Local 77 (union) filed a complaint charging unfair labor practices with the Public Employment Relations Commission, alleging that the City of Seattle (employer) had "skimmed" bargaining unit work, by assigning work normally performed by electrician constructors in the complainant's bargaining unit to maintenance electricians in a bargaining unit represented by a different union.

On February 28, 1992, a letter was directed to the parties, noting that while it is well settled that "skimming" of unit work would, if proved, constitute an unfair labor practice, it appeared that the complaint in this matter was untimely. The attention of the parties was directed to RCW 41.56.160, which provides that an unfair labor practice complaint will not be processed for actions occurring more than six months prior to the filing of the complaint with the Commission. Local 77 was given a period of 14 days following the date of the letter in which to file and serve an amended complaint showing a timely cause of action.

Local 77 responded on March 5, 1992, pointing out that the employer had agreed to waive any time lines in the matter if a third-party determination was sought regarding their actions. The union urged

that the Commission proceed with the complaint under those circumstances.

While the Commission notes the value of, and indeed itself pursues, agreements between parties to resolve unfair labor practice issues, the requirements of the statute cannot be set aside. The parties do not have authority to confer jurisdiction on the Commission by agreement where none exists by statute.

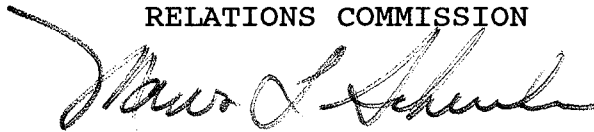
NOW, THEREFORE, it is

ORDERED

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

DATED at Olympia, Washington, this 1st day of May, 1992.

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.