

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

CAROLYN HATCHETT,)	
)	
Complainant,)	CASE 10683-U-93-2488
)	
vs.)	DECISION 4765 - EDUC
)	
NORTH THURSTON SCHOOL DISTRICT 3,)	
)	
Respondent.)	PRELIMINARY RULING
)	
)	

The complaint charging unfair labor practices filed with the Commission on September 23, 1993, and amended on May 10, 1994, is presently before the Executive Director for a preliminary ruling pursuant to WAC 391-45-110. 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.

The complaint, as amended, alleges that employer officials interfered with internal union affairs by involvement in the preparation and signing of a letter responding to Hatchett's alleged criticism of one of the employer's schools, and that the letter affected the outcome of an internal union election. It is an unfair labor practice for a management representative to attempt to affect the outcome of an internal union election. Assuming for purposes of the preliminary ruling that all of the facts alleged with regard to this incident are true and provable, it appears that an unfair labor practice violation could be found.

The complaint, as initially filed, also alleged that the employer has unlawfully dominated or supported the North Thurston Education Association by evaluating the person who worked full-time as NTEA

president. The Commission informed Hatchett on April 28, 1994, that the factual allegations of the original complaint were insufficient to state a cause of action regarding this incident. Hatchett does not allege in the amended complaint that the employer is not reimbursed by the union. The Commission has held that an employer does not commit an unfair labor practice by giving fully reimbursed release time to a union officer for union activities. Enumclaw Education Association, Decision 222 (EDUC, 1977); affirmed, King County Superior Court, WPERR CD-34. This allegation does not state a cause of action and will be dismissed.

NOW, THEREFORE, it is

ORDERED

The allegations of the petition filed in the above matter relating to the employer's domination or support of the union by reason of its treatment of the NTEA president are dismissed.

PLEASE TAKE NOTICE THAT the organizations charged with an unfair labor practice in this matter shall:

File and serve their answers to the allegations of the complaint relating to the letter about Hatchett and its effects on the internal union elections within 21 days following the date of this order.

DATED at Olympia, Washington, this 12th day of August, 1994.

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