

DISCUSSION

The allegations of the complaint concern union interference with employee rights in violation of RCW 28B.52.073(2)(a), discrimination for filing charges in violation of RCW 28B.52.073(2)(c), and "other" unfair labor practices.

The deficiency notice pointed out the defects in the complaint.

One, the complaint alleges union interference with employee rights in violation of RCW 28B.52.073(2)(a). The complaint alleges that the union has violated Hatstat's employee rights concerning the election of program chairs in the business division. The elections are apparently an internal union process. The Commission has no authority to intervene in internal union affairs. The union's administration of its internal elections is a matter of the union's own creation. Matters related to a union's constitution or by-laws are contracts between the union and its members. Disputes concerning alleged violations of such contracts are beyond the jurisdiction of the Commission and must be resolved through internal union procedures or the courts. *Seattle School District*, Decision 9359-A (EDUC, 2007).

Second, Hatsat claims union discrimination for filing charges in violation of RCW 28B.52.073(2)(c). It is an unfair labor practice for a union to deprive an employee of an ascertainable right, benefit, or status because the employee has filed charges with or given testimony before the Commission. The actions complained of involve union elections. As previously stated, the Commission has no jurisdiction over union elections. Hatstat previously filed charges with the Commission in Cases 21530-U-08-5484 and 21531-U-08-5485. However, Hatstat provides no facts indicating

that the union deprived him of an ascertainable right, benefit or status in reprisal for union activities performed within the Commission's jurisdiction under Chapter 28B.52 RCW.

Third, Hatstat does not identify the "other" alleged unfair labor practices.

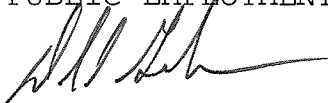
NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices in Case 21542-U-08-5489 is DISMISSED for failure to state a cause of action.

ISSUED at Olympia, Washington, this 4th day of April, 2008.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



DAVID I. GEDROSE, Unfair Labor Practice Manager

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