



District (Public School Employees of Washington), Decision No. 1381 (PECB, 1982), and in a number of later cases, jurisdiction has been declined with respect to breach of duty of fair representation claims arising exclusively from the processing of claims arising under existing collective bargaining agreements. Such matters must be pursued through a civil suit filed in a Superior Court having jurisdiction over the employer. By way of contrast, Elma School District (Elma Teachers Organization), Decision No. 1349 (PECB, 1982) involved allegations of discrimination against a grievant because of her previous support of another labor organization. A violation of the nature alleged in Elma would place in question the right of the organization involved to continue to enjoy the status and benefits conferred by the statute on an exclusive bargaining representative.

This case appears to fall within the class governed by the Mukilteo case. Respondent may or may not have breached its duty of fair representation with respect to its processing of his grievance. However, such issues are matters for the courts to decide. With the direction herein provided, complainant may be better able to amend the complaint to focus attention on claims within the Commission's jurisdiction.

NOW, THEREFORE, it is

ORDERED

The complainant will be allowed a period of fourteen (14) days following the date of this Order to amend the complaint. In the absence of an amendment, the complaint will be dismissed as failing to state a cause of action.

DATED at Olympia, Washington, this 29th day of June, 1984.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director