

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

BREMERTON HOUSING AUTHORITY,))	
Employer.))	
_____))	
OSWALD ANTON,))	CASE NO. 6798-U-87-1369
Complainant,))	DECISION 2762 - PECB
vs.))	
TEAMSTERS UNION, LOCAL 58,))	
Respondent.))	ORDER OF DISMISSAL
_____))	

On March 10, 1987, Oswald Anton (complainant) filed a complaint charging unfair labor practices against Teamsters Union, Local 58 (respondent). The complaint was accompanied with several letters concerning the loss of wages due to a medical condition. On August 4, 1987, the complainant was informed that the complaint, as filed, could not be processed further because the required statement of facts was not clear enough. The complainant was also reminded that the Commission did not have jurisdiction to remedy "violation of contract" unfair labor practices.

On August 18, 1987, the complainant filed an amendment to the complaint in the form of several more letters along with time sheets for the period of the wage loss. In addition, the complainant referred to the respondent's failure to file a grievance on the matter in a timely fashion. The amended complaint is currently before the Executive Director for initial processing pursuant to WAC 391-45-110. At this point

in the proceedings, it is assumed that all facts in the complaint are true and provable. The question remains whether the complaint states a cause of action.

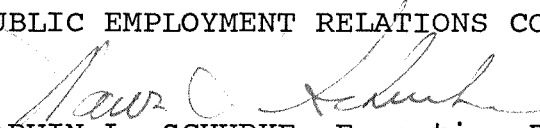
In essence, the complaint deals with the respondent's "duty of fair representation" owed to the complainant. The Commission processes duty of fair representation cases involving discrimination in the collective bargaining process. However, the Commission does not process duty of fair representation disputes, where the complainant feels that the incumbent union has not met its obligations concerning grievance processing. See: Mukilteo School District, Decision 1381 (PECB, 1982). From all of the correspondence attached to the complaint, it appears that the complainant here is dissatisfied with the respondent's efforts in processing a grievance concerning the loss of wages. Such actions must be pursued through the filing of a law suit in the state's court system. The courts have jurisdiction to remedy violations of contract, and so may address the underlying dispute as well as any duty of fair representation problem.

ORDER

Based on the foregoing, the complaint charging unfair labor practices is hereby DISMISSED.

DATED at Olympia, Washington, this 2nd day of September, 1987.

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.