

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

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| DEBRA GUNDERSON, |) | |
| |) | |
| Complainant, |) | CASE 7858-U-89-1680 |
| |) | |
| vs. |) | DECISION 3200 - PECB |
| |) | |
| CLARK COUNTY, |) | |
| |) | |
| Respondent. |) | ORDER OF DISMISSAL |
| |) | |
| |) | |

On March 20, 1989, Debra Gunderson, an employee or former employee of Clark County, filed a complaint charging unfair labor practices with the Public Employment Relations Commission, alleging that Clark County had violated RCW 41.56.140(1), (2), and (4), by refusing to process her grievance after the expiration of a collective bargaining agreement between the respondent and Office and Professional Employees International Union, Local 11.

The matter was reviewed by the Executive Director pursuant to WAC 391-45-110, and a letter was issued on March 30, 1989, informing the complainant that the complaint, as filed, did not appear to state a cause of action for unfair labor practice proceedings before the Commission. Specifically, the complainant was informed that:

1. She lacks standing as an individual complainant to bring a "refusal to bargain" unfair labor practice case before the Commission. The duty to bargain under Chapter 41.56 RCW arises out of the relationship between the employer

and the organization certified or recognized as exclusive bargaining representative of a bargaining unit. The complainant was advised to take up her situation with Local 11, which could then choose to file its own unfair labor practice charges.¹

2. The Commission does not assert jurisdiction through the unfair labor practice provisions of the statute to determine or remedy alleged violations of collective bargaining agreements. City of Walla Walla, Decision 104 (PECB, 1976); Clallam County, Decision 607-A (PECB, 1979); Seattle Housing Authority, Decision 1215 (PECB, 1981). Enforcement of contractual grievance procedures, and of an agreement to arbitrate, are governed by the same principles. Thurston County Communications Board, Decision 103 (PECB, 1976). The complainant was advised that a claim of refusal to process a grievance appeared to present a matter of contract enforcement which must be processed through the courts.
3. While the complaint stated that grievances filed by other employees after the expiration of the contract had been processed, the complaint, as filed, fell short of suggesting that she had been discriminated against in the processing of her grievance.

The complainant was given a period of 14 days within which to file and serve an amended complaint, or face dismissal of the

¹ Office and Professional Employees International Union, Local 11, has, in fact, filed an unfair labor practice complaint on April 10, 1989, containing the same allegations as the above-captioned matter. That complaint has been docketed as Case 7923-U-89-1710.

complaint for failure to state a cause of action. Nothing further has been received from this complainant.

NOW, THEREFORE, it is

ORDERED

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

DATED at Olympia, Washington, this 28th day of April, 1989.

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.