

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

REPUBLIC SCHOOL DISTRICT,)	
)	
Employer)	
-----)	
GREGORY W. EDWARDS,)	
)	
Complainant,)	CASE 8339-U-89-1811
)	
vs.)	DECISION 3463 - PECB
)	
PUBLIC SCHOOL EMPLOYEES OF)	
REPUBLIC SCHOOL DISTRICT,)	ORDER OF DISMISSAL
)	
Respondent.)	
)	
)	
)	

The complaint charging unfair labor practices was filed with the Public Employment Relations Commission in the above-entitled matter on December 26, 1989. The complainant, an employee within a bargaining unit represented by the union, alleges that Public School Employees of Republic, an affiliate of Public School Employees of Washington (PSE) violated his rights as a union member, by failing to notify the complainant of the times and dates of certain union meetings, and by suspending the complainant's union membership for non-payment of dues.¹

The complaint was reviewed by the Executive Director for the purpose of making a preliminary ruling pursuant to WAC 391-45-110, and a letter was directed to the complainant on January 19, 1990, advising that the complaint, as filed, failed to state a cause of action. It was observed that a union has a wide latitude in the

¹ Attachments to the complaint included what appears to be a copy of the PSE bylaws, and a copy of a letter to the complainant from PSE, suspending the complainant from union membership for non-payment of dues.

conduct of its internal affairs, and that there was no allegation that the union had acted in an arbitrary or discriminatory manner. The complainant was allowed a 14-day period in which to file and serve an amended complaint.

On February 1, 1990, Edwards filed a letter with the Executive Director,² reiterating his contention that the union failed to inform him of the dates and times of certain union meetings, and asserting that:

I was lied to that there was a meeting at all
. . . I more then (sic) have been uninformed.
My rights have been violated . . .

The case is again before the Executive Director for a preliminary ruling pursuant to WAC 391-45-110. At this stage of the proceedings, it is presumed that all of the facts alleged in the complaint are true and provable. The question remains as to whether the complaint states a claim for relief available through unfair labor practice proceedings before the Commission.

The Public Employment Relations Commission does not have authority to hear and determine all issues arising between public employers and public employees. Neither does the Commission have jurisdiction to decide each and every "employment relations" issue that might arise in the public sector. Rather, the unfair labor practice jurisdiction of the Commission under Chapter 41.56 RCW is limited to determining allegations concerning violations of the collective bargaining process set forth by the legislature. The internal affairs of unions are not regulated by the statute, except where there is allegation that the union has engaged in discrimination of one or more of the traditional unlawful forms (e.g., race, creed, sex, national origin, etc.), or where there is allegation

² There is no indication on the face of the document that a copy was provided to the union under WAC 391-08-120.

that the union has discriminated because of an employee's union activity or lack thereof. No such allegation is found in the complaint or in the letter filed on February 1, 1990.

The constitution and by-laws of an organization are the contract among its members controlling how the affairs of the organization are to be conducted. It appears that the complainant has a dispute with local PSE officials about their conduct. Employees who are dissatisfied with actions or rulings of local union leaders may have rights of "appeal" under the constitution and/or by-laws of the local organization. Where, as appears to be the case here, the local organization is affiliated with a larger labor organization, such an employee may have rights of "appeal" under the constitution and/or by-laws of the larger organization. Such an employee may even have a cause of action in a civil suit initiated in the courts. But all of those sources of rights are separate and apart from the rights secured and enforced by the Public Employees' Collective Bargaining Act, Chapter 41.56 RCW.

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practices filed in the above-entitled matter is DISMISSED for failure to state a cause of action.

Dated at Olympia, Washington, the 9th day of April, 1990.

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.