

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

OAK HARBOR SCHOOL DISTRICT,	)	
	)	
Employer,	)	CASE 12309-U-96-2909
	)	
RONALD E. KLINE,	)	DECISION 5497 - PECB
	)	
Complainant,	)	
	)	
vs.	)	
	)	
PUBLIC SCHOOL EMPLOYEES OF	)	
OAK HARBOR,	)	
	)	
Respondent.	)	ORDER OF DISMISSAL
	)	
	)	

On February 2, 1996, Ronald E. Kline filed a complaint charging unfair labor practices with the Public Employment Relations Commission under Chapter 391-45 WAC, alleging that Public School Employees of Oak Harbor interfered with employee rights by its unsatisfactory representation of the dean of students classification in the Oak Harbor School District.<sup>1</sup>

In a preliminary ruling letter issued on February 26, 1996, Kline was advised of several problems with his complaint.<sup>2</sup> These

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<sup>1</sup> The dean of students classification was the subject of a recent unit clarification ruling, Oak Harbor School District, Decision 5132 (PECB, 1995). As a result of that proceeding, Kline and a person identified only as "Mrs. Felger" were included in the bargaining unit represented by the union.

<sup>2</sup> See WAC 391-45-110. At this stage of the proceedings, all of the facts alleged in the complaint are assumed to be true and provable. The question at hand is whether, as a matter of law, the complaint states a claim for relief available through unfair labor practice proceedings before the Public Employment Relations Commission.

included his lack of legal standing to file a complaint on behalf of another employee, and the absence of any allegations that the union had discriminated against Kline (or aligned itself against his interests) based on any unlawful considerations. Kline was given 14 days to file an amended complaint that stated a cause of action or face dismissal of his complaint.

That 14 day period would have expired March 11, 1996. On March 8, 1996, Kline made a telephonic request for an extension, to allow him time to find an attorney. The period for filing an amended complaint was thus extended to March 25, 1996. Nothing further has been heard or received from Kline.

#### Lack of Standing

The statement of facts filed with the complaint describes events involving both Kline and the other dean of students, which suggests Kline was seeking a remedy on behalf of both of the employees who hold that title. An individual may file a complaint charging unfair labor practices on his or her own behalf, but lacks the legal power to enforce the rights of other employees. C-TRAN, Decision 4005 (PECB, 1992). To the extent this complaint attempts to assert the rights of another employee, it fails to state a cause of action and must be dismissed.

#### Union's Alignment in Interest

The complaint alleges the union failed to communicate directly with Kline regarding the position it was taking in collective bargaining negotiations with the employer. A union's internal affairs, including the frequency and quality of its communications with the employees it represents, is beyond the scope of the Commission's statutory authority. See City of Bonney Lake, Decision 4916 (PECB, 1994); Republic School District, Decision 3463 (PECB, 1990), and City of Lacey, Decision 2662 (PECB, 1987). The allegations

regarding the union's failure to communicate during collective bargaining fail to state a cause of action and must be dismissed.

Finally, Kline alleges the union failed to obtain the salary he proposed.<sup>3</sup> Unions are not required to completely satisfy the desires of each represented employee. King County, Decision 5018 (PECB, 1995); City of Bonney Lake, supra. The Commission and courts do require that unions avoid aligning themselves in interest against bargaining unit members on invidious grounds,<sup>4</sup> but no such allegations are made in this complaint. The allegations concerning the compensation negotiated by the union fail to state a cause of action and must be dismissed.

NOW, THEREFORE, it is

ORDERED

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

DATED at Olympia, Washington, this 9th day of April, 1996.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
MARVIN L. SCHURKE, Executive Director

This order will be the final order of the agency unless appealed by filing a petition for review with the Commission pursuant to WAC 391-45-350.

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<sup>3</sup> The complaint alleges that the compensation package negotiated by the union requires him to work 180 hours overtime per year to maintain his former salary level.

<sup>4</sup> See, North Thurston School District, Decision 4764 (EDUC, 1994).