

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

PAT SCOTT,)	
)	CASE 13476-U-97-3287
Complainant,)	
)	
vs.)	DECISION 6188 - PECB
)	
BREMERTON SCHOOL DISTRICT,)	
)	
Respondent.)	ORDER OF DISMISSAL
)	
)	

The complaint charging unfair labor practices was filed in the above-captioned matter on October 15, 1997. The complaint was considered by the Executive Director for the purpose of making a preliminary ruling under WAC 391-45-110,¹ and a deficiency notice was issued on November 18, 1997.

The complaint did not meet the requirements of WAC 391-45-050, which include:

Each complaint shall contain, in separate numbered paragraphs:

(1) Information identifying the parties and their relationships, ...

(2) Clear and concise statement of the facts constituting the alleged unfair labor practices, including times, dates, places and participants in occurrences.

(3) A statement of the remedy sought by the complainant.

...

¹ 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.

(5) Information concerning the parties' relationships, ...

In this case, the only attachments to the complaint form were: (1) A copy of a September 22, 1997 letter from the complainant to a person identified only as "R. Moore", with copies to Carol Whitehead and three other individuals; and, (2) A copy of an undated letter from the complainant to Carol Whitehead.

On November 14, 1997, the Commission received a copy of a November 13, 1997 letter from the complainant to Richard Moore, Transportation Supervisor at the Bremerton School District, but nothing in that document identified it as being supplemental to the case at hand. Moreover, even when it was matched up with this case, the more recent document contains no new information relevant to the merits of this complaint.

At a minimum, the filing of a "clear and concise statement of facts" would be necessary to further processing of this case. That requirement of the rule, along with the requirement that allegations be set forth in separate numbered paragraphs, are to promote clarity of understanding and communication.

As filed, the complainant fails to address a subject matter within the jurisdiction of the Public Employment Relations Commission. The only discernable allegations appears to involve the complainant not being selected to fill a job opening and insufficient advance notice of a work opportunity. These sound as if they might be claimed contract violations, but the Commission does not assert jurisdiction to remedy violations of collective bargaining agreements through the unfair labor practice provisions of the statute. City of Walla Walla, Decision 104 (PECB, 1976). The Commission does determine allegations of discrimination related to union activities, but the only discrimination suggested in this complaint is "sexual harassment", which would have to be processed

before the Human Rights Commission or appropriate federal authorities. The complaint thus does not state a cause of action before the Public Employment Relations Commission.

The complainant was given 14 days in which to file and serve an amended complaint or face dismissal of the case. Nothing further has been received from the complainant, so that dismissal is appropriate at this time.

NOW THEREFORE, it is

ORDERED

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

ISSUED at Olympia, Washington, this 23rd day of January, 1998.

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.