

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

CITY OF BREMERTON,  Employer.	)	
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LOWELL CASTLE,  Complainant,  vs.  TEAMSTERS UNION, LOCAL 589,  Respondent.	)	CASE NO. 5333-U-84-963  DECISION NO. 1935-A PECB  ORDER OF DISMISSAL
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On June 27, 1984, Lowell Castle (complainant) filed a complaint charging unfair labor practices against Teamsters Union, Local 589 (respondent), alleging violations of RCW 41.56.150(1). A preliminary ruling was issued on September 28, 1984, stating that the complaint, as framed, did not state a cause of action, and allowing complainant a period of fourteen (14) days to amend the complaint. On October 11, 1984, complainant was granted additional time to file amendments.

On October 31, 1984, complainant filed a hand-written document purporting to amend the unfair labor practice complaint. Complainant desired to withdraw the charge relating to sick leave and to add charges dealing with alleged violations of civil service procedure. Also referenced is a "superior certification" he held as a well driller. He also indicated that the unfair labor practice charge should also be filed against the City of Bremerton. This accusation is the first made against the city which was complainant's employer at all times pertinent to this dispute.

Examination of the preliminary ruling and complainant's amendment clearly indicates that the complaint still fails to state a cause of action subject to the jurisdiction of the Public Employment Relations Commission. Allegations against a union concerning an alleged breach of the duty of fair representation arising exclusively from the processing of a claim under an existing collective bargaining agreement must be pursued in a civil suit filed in a Superior Court. See: Mukilteo School District, Decision 1381 (PECB, 1982). As to the suggested (but never filed) claim against the employer, the Commission does not have jurisdiction over alleged violations of a collective bargaining agreement or an employer's civil service procedures. Such claims must also be pursued through a civil action. See: City of Walla Walla, Decision 104 (PECB, 1976).

NOW, THEREFORE, it is

ORDERED

The complaint charging unfair labor practice in the above-captioned case is hereby DISMISSED.

DATED at Olympia, Washington, this 20th day of November, 1984.

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.