

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

LINDA R. LACOSSE,  
Complainant,  
vs.  
AMALGAMATED TRANSIT UNION,  
Respondent.

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CASE NO. 4893-U-83-842

LINDA R. LACOSSE,  
Complainant,  
vs.  
JEFFERSON TRANSIT AUTHORITY,  
Respondent.

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CASE NO. 5221-U-84-927

DECISION NO. 1901-A - PECB

ORDER OF DISMISSAL

The complaint charging unfair labor practices was filed in Case No. 4893-U-83-842 on October 7, 1983. A preliminary ruling was issued in that matter (Decision 1901 - PECB) on April 5, 1984, wherein it was concluded that the complaint failed to state a claim for relief under the unfair labor practice provisions of Chapter 41.56 RCW. It was noted in passing that the employer had not been named as a respondent, and that it did not appear that the employer was taking a particular position concerning the underlying seniority dispute. The complainant was allowed fourteen days within which to file and serve an amended complaint. On April 20, 1984, the complainant filed an amended complaint with the Commission. The employer is now named as a respondent. Accordingly, a separate case has been docketed for the action against the employer.

The statement of facts attached to the amended complaint is a copy of the statement of facts filed in support of the original complaint. Each of the additional documents filed in support of the amended complaint duplicates a document filed in support of the original complaint. Whereas the original complaint alleged violation of RCW 41.56.150(1), boxes are checked on the amended complaint form to allege violation of each and every unfair labor practice provision of Chapter 41.56 RCW plus five subsections of Chapter 41.59 RCW which deal only with certificated employees of school districts.

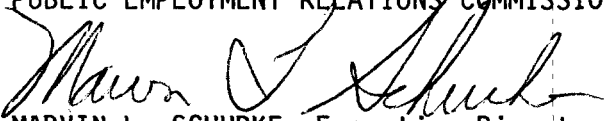
The defects pointed out in the preliminary ruling previously issued on this matter were substantive, rather than procedural. The references to the employer in that preliminary ruling were not a veiled suggestion that the failure to state a cause of action could be cured by naming the employer or taking a shotgun approach to citation of statutory provisions claimed violated. As was noted in the preliminary ruling, the fundamental problem here stems from absence of statutory authority for the Commission to remedy a violation of the complainant's rights as a third-party beneficiary to the collective bargaining agreement. Such contract enforcement actions continue to be within the jurisdiction of the courts alone. The amended complaint does not add any new facts whatever.

NOW, THEREFORE, it is

ORDERED

The complaints charging unfair labor practices filed in the above-entitled matters are dismissed as failing to state causes of action of unfair labor practice proceedings before the Public Employment Relations Commission.

DATED at Olympia, Washington, this 27th day of April, 1984.

PUBLIC EMPLOYMENT RELATIONS COMMISSION  
  
MARVIN L. SCHURKE, Executive Director

This order may be appealed by filing a petition for review pursuant to WAC 391-45-350.