

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

CITY OF PASCO,)	
)	
Employer,)	
_____)	
GAIL P. WESLEY,)	CASE NO. 6269-U-86-1204
)	
Complainant,)	DECISION 2656-A - PECB
)	
vs.)	
)	
OFFICE AND PROFESSIONAL)	
EMPLOYEES INTERNATIONAL)	
UNION, LOCAL 11,)	
)	
Respondent.)	DECISION OF COMMISSION
_____)	

On March 5, 1986, Gail P. Wesley (complainant), an employee of the City of Pasco, filed a complaint with the Public Employment Relations Commission alleging that Office and Professional Employees International Union, Local 11 (respondent) had committed unfair labor practices within the meaning of RCW 41.56.150(1). The complainant first asserted that the union discriminated against herself and others who were required to make dues payments, by failing to uniformly enforce the union security provisions of a collective bargaining agreement in effect between the employer and the union within the six months prior to the filing of the charges. The complainant next asserted that the union failed or refused to furnish a copy of its constitution and by-laws, upon their request, to employees

within the bargaining unit involved. Executive Director Marvin L. Schurke dismissed the complaint whereupon the complainant filed a timely petition for review.

The bases for the petition for review are a restatement of the original charge that one employee in the bargaining unit was not required to pay dues and a refutation that the employee had been transferred out of the bargaining unit.

DISCUSSION

RCW 41.56.150(1) states:

RCW 41.56.150 Unfair labor practices for bargaining representative enumerated. It shall be an unfair labor practice for a bargaining representative:

(1) To interfere with, restrain or coerce public employees in their rights guaranteed by this chapter;

As noted by the Executive Director in his Order of Dismissal of these complaints, the bargaining unit status of the employee in question was at issue between the employer and two claiming unions in Case No. 6109-C-85-310. Additionally, the bargaining unit status of the employee in question was addressed in Case No. 6251-U-86-1195, where the Examiner issued City of Pasco, Decision 2603 (PECB, 1987) and determined that the position in question in this case was within the bargaining unit represented by another union. There was no appeal from the Examiner's ruling, and the Executive Director subsequently issued Decision 2657 (PECB, 1987) dismissing Case No. 6109-C-85-310 on the basis that the matter at issue had been disposed of in Decision 2603. Again, there was no petition for review by a party having standing to address the unit issue.

The Commission has reviewed the record and finds no fault with the Executive Director's reasoning in this case.

ORDER

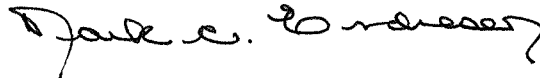
The decision of the Executive Director is AFFIRMED.

ISSUED at Olympia, Washington, this 21st day of August, 1987.

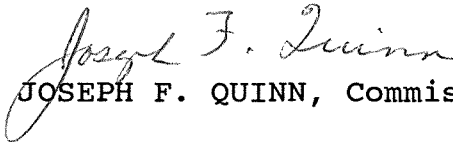
PUBLIC EMPLOYMENT RELATIONS COMMISSION



JANE R. WILKINSON, Chairman



MARK C. ENDRESEN, Commissioner



JOSEPH F. QUINN, Commissioner