

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

GARY G. DRIESSEN,	)	
	)	
Complainant,	)	CASE NOS. 6853-U-87-1384
	)	6854-U-87-1385
vs.	)	
	)	DECISION 2781-A - EDUC
BREWSTER SCHOOL DISTRICT and	)	
BREWSTER EDUCATION ASSOCIATION,	)	
	)	ORDER OF DISMISSAL
Respondents.	)	
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The captioned matters are again before the Executive Director for preliminary rulings pursuant to WAC 391-45-110.

The complaints in the above-captioned cases were among a group of eight similar cases docketed at the same time in April of 1987. All eight cases were the subject of an earlier preliminary ruling in Brewster School District, Decisions 2779, 2780, 2781, 2782 (EDUC, September 30, 1987), wherein it was found that an unfair labor practice cause of action could exist for unlawful enforcement of an otherwise lawful union security agreement, but that all of the complaints contained defects which precluded their immediate processing.

Specifically, as regards complaint filed by Gary Driessen, it was noted that:

Looked at in isolation, the complaints filed in these matters appear to be premature. The rules of the Commission require, at WAC 391-45-050(3), that the statement of facts accompanying a complaint be clear and concise, including times, places and participants in occurrences.

There is no allegation here that any of the individual employees have previously notified the union of their objection, that the union has refused to supply information, that the union has failed to respond to an objection in the manner described in Hudson,<sup>1</sup> or that the union has declined to escrow disputed dues amounts. Were the complaints the only documents on file, the complaints would be dismissed as insufficient to state a cause of action.

It was further noted that Complainant Driessen had been the petitioner in "religious objection" proceedings before the Commission under Chapter 391-95 WAC, under which dues money in dispute was to be held in escrow. The order provided:

The complaints filed by ... Driessen ... fail to state a cause of action at the present time, as it appears their entire dues amounts have been or are being held in escrow pending disposition of their "religious objections" cases under Chapter 391-95 WAC. Any amended complaint must also fully set forth the facts as required by WAC 391-45-050(3).

Although no specific time limit was set for the filing of an amended complaint, nothing further has been received from or on behalf of complainant Driessen in more than seven months.

The docket records of the Commission disclose that the proceedings initiated by Driessen under Chapter 391-95 WAC in Brewster School District, Case No. 6793-D-87-67, were closed on August 17, 1987, pursuant to a settlement agreement signed by Driessen. The Examiner assigned to conduct the hearing in Case No. 6793-D-87-67 attempted, without success, to contact Driessen by telephone, and issued a letter cancelling the

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<sup>1</sup> Referring to Chicago Teachers Union v. Hudson, 475 U.S. 209 (1986).

hearing. The same settlement agreement document also purported to withdraw the unfair labor practice charges in the above-captioned matters, but that was not acted upon immediately due to the absence of a withdrawal request from the attorney who represented Driessen in the unfair labor practice proceedings.

With the passage of time, it appears that the above-captioned unfair labor practice cases have in fact been settled or abandoned, and that they should be stricken from the Commission's docket of pending cases.

NOW, THEREFORE, it is

ORDERED

The complaints charging unfair labor practices filed in the above-captioned matters are dismissed.

DATED at Olympia, Washington, this 20th day of June, 1988.

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.