

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

MEREDITH SPENCER,)	
)	
Complainant,)	CASE NOS. 6855-U-87-1386
)	6856-U-87-1387
vs.)	
)	DECISION 2782-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. At this stage of the proceedings, it must be presumed that all of the facts alleged in the complaints are true and provable. The question at hand is whether the complaints state a cause of action for unfair labor practice proceedings before the Public Employment Relations Commission.

The complaints in the 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, 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 under consideration at that time contained defects which precluded their immediate processing. Specifically, it was noted that:

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,¹ 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.

The Public Employment Relations Commission has not undertaken to become the arbiter of dues apportionment issues under Hudson, but may be called upon to review breaches of the procedural rights of employees through the unfair labor practice provisions of the collective bargaining statute. The proceedings were held in abeyance pending the resolution of proceedings initiated by the complainant before the Commission under Chapter 391-95 WAC.

An order was issued on October 13, 1988,² wherein it was concluded that complainant Spencer was not eligible to assert a right of non-association under the "religious" proviso to union security set forth in RCW 41.59.100.

RCW 41.59.150(1) imposes a six month statute of limitations on the filing of unfair labor practice charges. Nothing identified as an amended complaint in the captioned matters has been received from or on behalf of complainant Spencer in the period of more than one year since the complainant was notified of the need to amend her complaint. Accordingly, the complaints charging unfair labor practices in the captioned matters are deemed to have been abandoned, and are dismissed herein for lack of prosecution.

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

² Brewster School District, Decision 3027 (EDUC, 1988).


NOW, THEREFORE, it is

ORDERED

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

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

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

This Order may be appealed
by filing a petition for
review with the Commission
as provided in WAC 391-45-350.