

Washington State Ferries (*Inlandboatmen's Union of the Pacific*), Decision 12134-B (MRNE, 2015)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

WASHINGTON STATE FERRIES,

Complainant,

vs.

INLANDBOATMEN'S UNION OF THE  
PACIFIC,

Respondent.

CASE 25078-U-12-6427

DECISION 12134-B - MRNE

DECISION ON RECONSIDERATION

Attorney General Robert W. Ferguson, by *Morgan B. Damerow*, Assistant Attorney General, and *E. Earl Key*, Assistant Attorney General, for Washington State Ferries.

Schwerin Campbell Barnard Iglitzin & Lavitt, LLP, by *Robert H. Lavitt*, Attorney at Law, for the Inlandboatmen's Union of the Pacific.

On June 5, 2015, the Commission issued its decision in this matter.<sup>1</sup> On June 17, 2015, the employer filed a motion for reconsideration and a stay of the effectiveness of the Commission's Order. On June 26, 2015, the Executive Director granted the union until July 17, 2015, to file a response. On July 17, 2015, the union filed a response. The Commission denies the motion as untimely.

The Administrative Procedure Act sets forth the timeframes for petitioning an agency for reconsideration or a stay of its final order. RCW 34.05.467 and .470. Both a petition for a stay and reconsideration must be filed within ten days of the service of the agency's final order. RCW 34.05.467 and .470(1). Service "means posting in the United States mail . . . ." RCW 34.05.010(19). Service is complete when the agency mails the decision to the parties. *City of Seattle v. Public Employment Relations Commission*, 116 Wn.2d 923, 927 (1991).

<sup>1</sup> *Washington State Ferries (Inlandboatmen's Union of the Pacific)*, Decision 12134-A (MRNE, 2015).

The Commission issued *Washington State Ferries (Inlandboatmen's Union of the Pacific)*, Decision 12134-A (MRNE, 2015) on June 5, 2015. The Record of Service for the Commission states that the Commission's decision was deposited in the United States mail on June 5, 2015. Under the Commission's computation of time rule, the beginning of the ten-day period in which to file a motion for reconsideration or stay began the next day, June 6, 2015. WAC 391-08-100. A timely motion for reconsideration may have been filed no later than the close of business on June 15, 2015.

The employer filed its motion for reconsideration and a stay of effectiveness electronically at 5:10 p.m. on June 16, 2015. The motion was not timely filed and is therefore denied. *See Snohomish County PUD*, Decision 7656-B (PECB, 2003).

NOW, THEREFORE, it is

ORDERED

The motion for reconsideration is denied. The Order issued by Examiner Erin Slone-Gomez is affirmed.

ISSUED at Olympia, Washington, this 30th day of July, 2015.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
MARILYN GLENN SAYAN, Chairperson

  
THOMAS W. McLANE, Commissioner

  
MARK E. BRENNAN, Commissioner




## PUBLIC EMPLOYMENT RELATIONS COMMISSION

112 HENRY STREET NE SUITE 300  
PO BOX 40919  
OLYMPIA, WASHINGTON 98504-0919

MARILYN GLENN SAYAN, CHAIRPERSON  
THOMAS W. McLANE, COMMISSIONER  
MARK E. BRENNAN, COMMISSIONER  
MIKE SELLARS, EXECUTIVE DIRECTOR

### RECORD OF SERVICE - ISSUED 07/30/2015

DECISION 12134-B - MRNE has been mailed by the Public Employment Relations Commission to the parties and their representatives listed below:

  
BY: VANESSA SMITH

CASE NUMBER: 25078-U-12

EMPLOYER: WASHINGTON STATE FERRIES  
ATTN: GLEN CHRISTOPHERSON  
128 10TH AVE SW 4TH FL  
PO BOX 47500  
OLYMPIA, WA 98504-7500  
labor.relations@ofm.wa.gov  
(360) 407-4104

REP BY: MORGAN DAMEROW  
OFFICE OF THE ATTORNEY GENERAL  
7141 CLEANWATER DRIVE SW  
PO BOX 40145  
OLYMPIA, WA 98504-0145  
morgand@atg.wa.gov  
(360) 664-4167

EARL KEY  
OFFICE OF THE ATTORNEY GENERAL  
7141 CLEANWATER DR SW  
PO BOX 40145  
OLYMPIA, WA 98504-0145  
earlk@atg.wa.gov  
(360) 664-4167

PARTY 2: INLANDBOATMEN'S UNION OF THE PACIFIC  
ATTN: PETER HART  
1711 W NICKERSON ST STE D  
SEATTLE, WA 98119  
peter@ibu.org  
(206) 284-5040

REP BY: ROBERT LAVITT  
SCHWERIN CAMPBELL BARNARD IGLITZIN LAVITT  
18 W MERCER ST STE 400  
SEATTLE, WA 98119-3971  
lavitt@workerlaw.com  
(206) 285-2828