

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION)	MEC Case No. 16-98
OF THE PACIFIC,)	
)	
Complainant,)	DECISION NO. 218 - MEC
)	
v.)	MEC CHAIRMAN'S
)	ORDER OF DISMISSAL
WASHINGTON STATE FERRIES,)	
)	
Respondent.)	
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Schwerin, Campbell and Barnard, attorneys, by Dmitri Iglitzin and Elizabeth Ford, appearing for and on behalf of the Inlandboatmen's Union of the Pacific.

Christine Gregoire, Attorney General, by David Slown, Assistant Attorney General, appearing for and on behalf of the Washington State Ferries.

This matter came on regularly before the Marine Employees' Commission on November 18, 1998, when the Inlandboatmen's Union of the Pacific (IBU) filed an unfair labor practice complaint against the Washington State Ferries (WSF). IBU's complaint charged WSF with engaging in unfair labor practices within the meaning of RCW 47.64.130 by: (1) encouraging or discouraging membership in the union by discrimination in regard to hiring, tenure or any term or condition of employment; and (2) refusing to bargain collectively with representatives of employees. IBU alleged that WSF had refused to implement the terms of an interest arbitration decision, issued by Michael Beck on August 18, 1998, granting a wage increase to terminal agents.

REVIEW BY CHAIRMAN CHILES

Pursuant to WAC 316-45-110, MEC Chairman Henry L. Chiles, Jr. has reviewed the facts alleged in the unfair labor practice charge. Chairman Chiles hereby dismisses the unfair labor practice charges for the reasons stated below.

1. The charge alleged that the WSF refused to implement the terms of an interest arbitration award granting a retroactive wage increase to terminal agents. An agreement was reached between the parties on January 22, 1999. The matter was held in abeyance until the Legislature acted on WSF's pending supplemental budget request. The request was granted and retroactive checks were issued to eligible employees in June 1999; however, IBU did not withdraw the complaint.
2. On October 22, 1999, the MEC received a letter requesting the matter be scheduled for hearing because WSF refused to pay interest on the agents' pay increase.
3. The interest arbitration award was reviewed. Arbitrator Beck did not award interest; it was not mentioned. He awarded a pay increase which was given once the Legislature had appropriated the money. WSF has complied with the award.
4. RCW 47.64.120 does not apply in this matter.

ORDER

Based on the reasons set forth herein, Chairman Chiles orders that the charge of unfair labor practice contained in MEC Case No. 16-98 is dismissed.

RIGHT TO PETITION FOR REVIEW

Pursuant to WAC 316-45-110 and WAC 315-45-350, the IBU has the right to petition for a review of the Chairman's decision and order to the entire Commission. IBU may file a Petition for Review with the entire MEC within 20 days following the date of the order issued by Chairman Chiles. The original Petition for Review shall be filed with the Commission at its Olympia office. A copy thereof shall be served on WSF. WSF will have 14 days following the date on which it is served with a copy of the Petition for

Review to file a responsive brief or written argument. In the event no timely petition for review is filed and no action is taken by the Commission on its own motion within 30 days following the Chairman's order, the order shall automatically become the order of the MEC, and shall have the same force and effect as if issued by the Commission.

DATED this ____ day of November 1999.

MARINE EMPLOYEES' COMMISSION

HENRY L. CHILES, JR. Chairman