

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION)	MEC Case No. 1-95
OF THE PACIFIC,)	
)	DECISION NO. 133-MEC
Complainant,)	
)	
v.)	ORDER OF DISMISSAL
)	
WASHINGTON STATE FERRIES,)	
)	
Respondent.)	
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THIS MATTER came before the Marine Employees' Commission (MEC) on January 10, 1995 when the Inlandboatmen's Union of the Pacific (IBU) filed an unfair labor practice complaint against the Washington State Ferries.

IBU's complaint charged WSF with engaging in unfair labor practices within the meaning of RCW 47.64.130(1) by interfering with, restraining or coercing employees in the exercise of rights and refusing to bargain collectively with representatives of employees. Specifically, IBU alleged that on September 28, 1994, the Marine Employees' Commission entered MEC Decision and Order No. 123 in MEC Case No. 4-94. In its decision, the MEC found there had been an agreement reached between the IBU and WSF with regard to bidding procedures for individuals employed by WSF as Able Bodied Seamen and Ordinary Seamen. MEC ordered WSF to sign a letter of agreement reflecting retroactive changes in the bidding. WSF failed and refused to sign such a letter and to implement the changes in the bidding system. The employer filed a petition for review of the decision in superior court, but, IBU alleged, this action did not give the employer the right to fail to adhere to the Commission's final decision. The IBU alleged that by the employer's refusal to implement the new bidding system, its membership suffered irreparable harm, and in addition, WSF's conduct violated the employer's duty to bargain in good faith. The union requested an order requiring WSF to sign and implement its agreement with IBU, and further, if the employer failed to adhere

to the order, IBU asked that MEC seek judicial enforcement of its order in the form of a contempt citation.

Pursuant to WAC 316-45-110, MEC reviewed the case to determine whether the facts alleged would constitute an unfair labor practice within the meaning of RCW 47.64.130 if later found to be true and provable. The MEC has determined that the facts alleged by IBU did not state a new cause of action, and therefore the Commission is declining to hear the charges of unfair labor practices.

In its ULP complaint IBU also sought enforcement of the order issued by the Commission by means of a contempt citation. MEC considered this matter as a request for enforcement of Decision and Order No. 123, MEC Case 4-94 pursuant to the Administrative Procedures Act, RCW 34.05.578. After careful consideration, the MEC determined that it would not seek enforcement of its order in the superior court. MEC informed the IBU by letter that the Administrative Procedures Act does give the union the right to seek civil enforcement of Decision and Order No. 123, MEC Case 4-94.

Based on the above reasons and pursuant to WAC 316-45-110, the MEC enters the following order.

ORDER

It is hereby ordered that the unfair labor practice complaint filed by IBU against WSF and docketed as MEC Case No. 1-95 is dismissed.

DONE this 27th day of January, 1995.

MARINE EMPLOYEES' COMMISSION

/s/ HENRY L. CHILES, JR., Chairman

/s/ JOHN P. SULLIVAN, Commissioner

/s/ DAVID WILLIAMS, Commissioner