

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION)	
OF THE PACIFIC,)	MEC Case No. 10-01
)	
Petitioner,)	
)	DECISION NO. 271 - MEC
v.)	
)	DECISION AND ORDER
WASHINGTON STATE FERRIES,)	
)	
Respondent.)	
_____)	

THIS MATTER coming regularly before the above-entitled Commission, on the Petition for Declaratory Relief heretofore served and placed of record, by the Inlandboatmen's Union of the Pacific (IBU), and

The Washington State Ferries (WSF) having objected to such Petition with its Brief, and

The Commission having duly considered the said Petition and the objections thereto by and from the WSF and being mindful, in the process, of the provisions of RCW 47.64.006, and being mindful also of RCW 47.64.280(2)(a) and (b) and being likewise attentive to the provisions of WAC 316-02-003 and WAC 316-02-005, and

The Commission having noted also the decision of the Supreme Court of the state of Washington, in *Metro Seattle v. PERC*, 118 Wn.2d 621, as well as other appellate decisions, cited by the parties, in their filings of record, and

The Commission, on May 28, 1998, having issued an order, whereby the parties were obliged to bargain with respect to the impact and effect of a policy of WSF relative to use of respirators, in the course of employment by employees represented by IBU and such order having been affirmed by the Superior Court, but, nevertheless, having remained in an unfulfilled state, and

On a finding that the policy of the state of Washington, relative to collective bargaining with respect to the ferry system, has been and is being confounded and prejudiced especially and

unusually, in the premises and that, under such very limited and extraordinary circumstances and by reason thereof, the Commission should and hereby does, with good cause, make the following exceptional order:

ORDER

1. The parties shall meet and confer during the thirty days next ensuing from the date hereof, in good faith effort to effect an agreeable settlement of the issues posed by the dispute between them as to the “impact and effect” of the WSF respirator mask policy.

2. If the parties do not effect such an agreeable settlement of that dispute within the time span specified in the foregoing paragraph, then and in that event, guided by the procedure set forth in RCW 47.64.240, they shall forthwith submit the said dispute, regarding the respirator mask policy, for definitive resolution, to interest arbitration.

DONE BY THE COMMISSION this _____ day of May 2001.

MARINE EMPLOYEES' COMMISSION

DAVID E. WILLIAMS, Commissioner

JOHN D. NELSON, Chairman

JOHN P. SULLIVAN, Commissioner