

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION)	
OF THE PACIFIC,)	MEC Case No. 10-01
)	
Petitioner,)	
)	DECISION NO. 283 - MEC
v.)	
)	ORDER CLARIFYING
WASHINGTON STATE FERRIES,)	DECISION AND ORDER NO.
)	271-MEC
Respondent.)	
_____)	

Schwerin, Campbell and Barnard, attorneys, by *Dmitri Iglitzin*, 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 coming regularly before the above-entitled Commission, on the Motion to Modify Decision and Order in Decision No. 271-MEC and Request for Appointment of Mediator by the Inlandboatmen's Union of the Pacific (IBU); and The Washington State Ferries (WSF) Reply to Motion to Modify Decision; and IBU's Response to WSF's Reply to Motion to Modify Decision in 271-MEC; 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 in the consideration 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 316-02-002 and WAC 316-02-005, the Commission has duly considered the Motion, Reply and Response thereto.

On a finding that the policy of the state of Washington, relative to collective bargaining with respect to the ferry system requires that the Commission clarify and implement its order entered in 271-MEC in such very limited and extraordinary circumstances, MEC makes the following exceptional order:

ORDER

1. The parties immediately engage in mediation under the direction of MEC Commissioner John Byrne on any or all of the following dates: August 21, 31; September 20, 21 or 24. Parties must notify the MEC office as to which of these proposed dates are available to engage in mediation over the issue of the respirator mask policy.

2. The parties must immediately prepare to submit the dispute regarding the respirator mask policy, for definitive resolution, to interest arbitration, guided by the procedure set forth in RCW 47.64.240. This submission is required in the unlikely event that the mediation required in paragraph 1 of this order fails to produce agreement. A list of seven arbitrators is being forwarded by the MEC staff, and parties must complete their selection process within 10 days of this order and request dates from the arbitrator so selected. The parties may inform the arbitrator to be selected, as to which issues they are at impasse after the mediation efforts in paragraph 1 have been fulfilled, if no agreement is reached.

DATED this _____ day of July 2001.

MARINE EMPLOYEES' COMMISSION

JOHN NELSON, Chairman

JOHN SULLIVAN, Commissioner