

BEFORE THE MARINE EMPLOYEES' COMMISSION
STATE OF WASHINGTON

In the Matter of the Petition of)	MEC Case No. 10-99
THE INLANDBOATMEN'S UNION OF)	
THE PACIFIC, PUGET SOUND)	
REGION, for a Declaratory Order.)	DECISION NO. 213 – MEC
)	
)	ORDER DENYING PETITION OF
)	THE INLANDBOATMEN'S UNION OF
)	THE PACIFIC FOR A DECLARATORY
)	ORDER
)	
)	
)	
)	

Schwerin, Campbell and Barnard, attorneys, by Elizabeth Ford, appearing for and on behalf of the Inlandboatmen's Union of the Pacific, Puget Sound Region.

Lane, Powell, Spears and Lubersky, attorneys, by Clem Barnes, appearing for and on behalf of Russell's at Orcas.

THIS MATTER was filed with the Marine Employees' Commission on July 20, 1999, on the petition of the Inlandboatmen's Union of the Pacific, Puget Sound Region as to whether Russell's at Orcas has assumed the operation of a ferry or ferry system within the meaning of RCW 47.64.090.

The Petition named Russell's at Orcas as the other party to the collective bargaining relationship from which this issue arises. On July 22, 1999, MEC served notice of the filing of the petition on Russell's and Washington State Ferries. The Marine Employees' Commission surveyed the necessary parties by formally calling the attention of each to the provision of WAC 316-02-520(5) and requested a statement of consent from them, as required by the regulation.

Such survey determined that neither Russell's at Orcas nor Washington State Ferries consents to the proceedings essential to the entry of a declaratory order in response to IBU's petition.

It is the judgment of the Commission that as a matter of fact, any order granting the instant petition would substantially prejudice the rights of each of the named necessary parties.

ORDER

It is hereby ordered that the petition be dismissed, with respect to each necessary party, under and in accordance with the WAC as cited above.

DATED this _____ day of August 1999.

HENRY L. CHILES, JR., Chairman

JOHN P. SULLIVAN, Commissioner