

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

WASHINGTON STATE FERRIES,)	MEC Case No. 17-99
)	
Complainant,)	
)	DECISION NO. 226 - MEC
v.)	
)	DECISION AND ORDER
INLANDBOATMEN'S UNION OF)	AFFIRMING DECISION
THE PACIFIC,)	NO. 217-MEC
)	
Respondent.)	
)	

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

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

This matter came before the Marine Employees' Commission on December 6, 1999, when the Washington State Ferries (WSF) filed a Petition for Review of MEC Chairman's Order of Dismissal, Decision No. 217-MEC, entered on November 18, 1999.

The original charge was filed by WSF against IBU on October 18, 1999, alleging a refusal to bargain. As a remedy, WSF sought an order denying the IBU request for impasse arbitration and an order for the IBU to participate in good faith collective bargaining.

Chairman Henry L. Chiles issued a Chairman's Order of Dismissal on November 18, 1999, finding that the charge was premature and that more bargaining was needed. The parties were ordered to resume collective bargaining.

The WSF request for more bargaining was essentially achieved with the order.

WSF filed a supporting brief on December 6, 1999. IBU filed a brief in opposition to WSF's Petition for Review on December 30, 1999. The MEC finds the record before us sufficient to proceed without oral argument. Accordingly, the WSF request for oral argument is denied.

The MEC has carefully reviewed all the material received in this matter including the original charge, the Chairman's Order of Dismissal, the request for review and the briefs and affirms the Decision in Case No. 17-99.

The MEC has been guided by WAC 316-02-005.

WAC 316-02-005 Commission policy—Labor relations. It is the policy of the commission to promote bilateral collective bargaining negotiations between and among the Washington state ferry system management, ferry employees, and their exclusive representatives in accordance with chapter 47.64 RCW. These parties are encouraged to engage in free and open exchange of proposals and positions on all matters coming into dispute between them. To the extent that the commission and its representatives can assist in fair and harmonious informal settlements of differences, the need for more elaborate and costly adjudicative procedures under all chapters of Title 316-WAC will be diminished.

After considering all the material, the MEC has determined that the Order of Chairman Chiles should be affirmed. The Order provided what the WSF asked for, to have IBU return to the bargaining table. The order was the fastest way to accomplish that end.

In its response to the Petition for Review, the IBU indicated that it has "every intention to comply with the Chairman's Order." It is now possible to resume bargaining.

The voters in the November election made changes in the transportation budget. It is important that Ferry System management and their employees work together to provide the ferry riding public the best possible service. A renewed effort at collective bargaining is necessary.

ORDER

1. Having considered and reviewed the material files and record before the Commission in this matter, we have determined that MEC Chairman's Order of Dismissal (Decision No. 217-MEC), entered by Chairman Henry L. Chiles, Jr., for which review has been sought by WSF, should be and hereby is affirmed.
2. Charges filed against IBU in MEC Case No. 17-99 are dismissed.
3. Both WSF and IBU are ordered to resume collective bargaining. The WSF must contact IBU within seven days of issuance of this order to initiate the new round of collective bargaining.
4. Both parties are requested to advise the MEC in writing, within 30 days of this order, of the steps they have taken.

DATED this ____ day of January 2000.

MARINE EMPLOYEES' COMMISSION

JOHN P. SULLIVAN, Commissioner

DAVID E. WILLIAMS, Commissioner