

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION	)	MEC Case No. 3-94
OF THE PACIFIC,	)	
	)	DECISION NO. 118-MEC
Complainant,	)	
	)	
v.	)	ORDER OF DISMISSAL
	)	
WASHINGTON STATE FERRIES,	)	
	)	
Respondent.	)	
_____	)	

THIS MATTER came before the Marine Employees' Commission on April 22, 1994 when the Inlandboatmen's Union of the Pacific filed an unfair labor practice complaint against the Washington State Ferries.

IBU's complaint charged WSF with engaging in unfair labor practices by (1) interfering with, restraining or coercing employees in the exercise of rights pursuant to RCW 47.64.130(1)(a) and WAC 316-45-003(1)(a); and refusing to bargain collectively with representatives of employees, pursuant to RCW 47.64.130(1)(a)(e) and WAC 316-45-003(1)(a)(e).

Specifically, IBU alleged that the employer had not responded to 27 grievances within the time limits of Rule 16.04. The union alleges that the employer did not respond to grievances within 15 calendar days, therefore the grievances were deemed to be granted. The employer responded that the union had not discussed the grievances within 15 days of receipt as required by Rule 16.

The matter was docketed as MEC Case No. 3-94 and set for discussion at the regular monthly meeting of the Commission on April 29, 1994.

At the regular meeting the charge was discussed by all parties present. It was learned that the employer and the IBU were in the process of working out an agreement to timely work on this type of grievance, and if successful, it would eliminate the instant type of charge.

The Commission agreed to let the parties have 10 days to complete the agreement.

On May 2, 1994, IBU Patrolman Dennis Conklin notified MEC by telephone that IBU would be filing an amended complaint. On May 11, 1994 Mr. Conklin notified MEC that IBU would not file said amendment.

In executive session on May 13, 1994 the full Commission decided that the instant complaint did not indicate a violation of protected rights pursuant to RCW 47.64.130 if later found to be true and provable. WAC 316-45-110. Rather the complaint as filed appears to charge a violation of the IBU/WSF collective bargaining agreement, viz., a grievance (Chapter 316-65 WAC). The matter should be resolved under the terms of the parties collective bargaining contract. Therefore the matter should be dismissed without prejudice.

It is hereby ordered that the complaint in MEC Case No. 3-94 is dismissed without prejudice.

DONE this 13<sup>th</sup> day of May 1994.

MARINE EMPLOYEES' COMMISSION

/s/ HENRY L. CHILES, JR. Chairman

/s/ DONALD E. KOKJER, Commissioner

/s/ LOUIS O. STEWART, Commissioner