

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION OF THE PACIFIC,)	MEC Case No. 3-98
)	
Complainant)	Decision No. 196 - MEC
)	
v.)	
)	
WASHINGTON STATE FERRIES,)	ORDER OF DISMISSAL
)	
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 came on regularly before the Marine Employees' Commission on March 13, 1998, when the Inlandboatmen's Union of the Pacific (IBU) filed an unfair labor practice against the Washington State Ferries (WSF). IBU's complaint charged WSF with engaging in unfair labor practices within the meaning of RCW 47.64.130 by refusing to bargain in good faith with the union.

IBU alleged that the WSF failed to honor a settlement agreement that had been entered into by the parties in MEC Case 13-96. The parties were to make a "class study" to determine if a wage "adjustment" was appropriate for Terminal Agents. The parties failed to reach agreement. They agreed to take the matter to interest arbitration.

At the arbitration hearing, WSF's stated that it intended to present its "last, best and final offer." The IBU objected on the basis that this offer had never been presented to it.

The interest arbitrator ordered the parties to submit the issue to him to determine jurisdiction. The hearing was held on March 3, 1998. The instant charge followed.

On March 27, 1998, the MEC wrote to the parties and stated that it saw no need to issue any order to the arbitrator. The IBU provided a response on April 10, 1998.

On April 17, 1998, the IBU filed an amended unfair labor practice complaint. The essence of the amended ULP was that the WSF had failed to honor its agreements and sending the issue to the interest arbitrator on March 3, 1998 was unnecessary and caused the IBU to expend its resources for attorney fees.

REVIEW BY COMMISSIONER

Chairman Henry L. Chiles, Jr. has carefully reviewed all of the material submitted by the parties, including the ULP complaint, letters, amended complaint and the arbitrator's decision on the issue.

The parties met and bargained on the Terminal Agent wage "adjustment" but did not reach agreement. The matter of jurisdiction was properly submitted to the interest arbitrator and a decision reached. I find in this case that it was a necessary step in the collective bargaining process.

The law and rules governing the ferry system and the exclusive bargaining representatives of its employees encourage the parties to meet and bargain. The parties have done that. The unresolved issue needs to be resolved and the collective bargaining process agreed to by the parties permits interest arbitration.

The matter of a wage "adjustment" for Terminal Agents in the 1995-1997 collective bargaining agreement should be submitted to the interest arbitrator for his decision. The matter will be concluded with a decision from the interest arbitrator. The MEC declines to accept the charge.

ORDER

Pursuant to WAC 316-45-350, the IBU has the right to appeal this Commissioner's decision to the entire Commission, and may file a petition for Review with the entire MEC at its Olympia office within twenty days following the date of the order issued by Chairman Chiles. The original petition for review shall be filed with the Commission at its Olympia office. The respondent shall have fourteen days following the date on which it is served with a copy of the petition for review. In the event no timely petition for review is filed and no action is taken by the Commission on its own motion within 30 days following this Commissioner's order, the order shall automatically become the order of the MEC and shall have the same force and effect as if issued by the Commission.

Dated this 15th day of May 1998.

MARINE EMPLOYEES' COMMISSION

/s/ Henry L. Chiles, Jr., Chairman