

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION OF
THE PACIFIC,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 31-03

DECISION NO. 355 – MEC

MEC CHAIRMAN'S
ORDER OF DISMISSAL

Schwerin, Campbell and Barnard by Attorney, *Judith Krebs*, appearing for the Inlandboatmen's Union of the Pacific.

Christine Gregoire, Attorney General, by *David Slown*, Assistant Attorney General, appearing for Washington State Ferries.

The Inlandboatmen's Union of the Pacific filed MEC Case No. 31-03 on January 15, 2003. The ULP complaint alleges that the employer violated the law in the manner in which it discussed settlement of the Sheffield grievance, MEC Case No. 25-02. It is alleged that the employer violated its duty to bargain.

The settlement discussions at issue occurred after the grievance arbitration began. In bringing Case 25-02 before the Commission, the union certified that "the grievance processes in the . . . collective bargaining agreement [have] been utilized and exhausted." In addition, the parties discussed settlement with an MEC mediator before the hearing began. No issue has been raised regarding that mediation.

The employer's duty to bargain with respect to grievances is fulfilled by a good faith participation in information sharing, and discussion during the pre-arbitration portion of the grievance procedure. After the grievance has been referred to arbitration, the employer's duty to

bargain is fulfilled by cooperating in the scheduling and presentation of the matter to the arbitrator. Once the matter is in arbitration, neither party has a duty to make any settlement offers, so that any settlement offer at that point is not a mandatory subject of bargaining.

The record before the Chairman shows that the pre-arbitration process was completed and that the parties have fully cooperated in the scheduling and presentation of the underlying case to the arbitrator. The employer's approach to possible settlement in this instance cannot be the basis of an unfair labor practice finding.

NOTICE REGARDING REQUEST FOR REVIEW

Pursuant to WAC 316-02-620, this order is a denial of adjudicative proceeding. The complainant may file a Request for Review with the Marine Employees Commission within 30 days of receipt of this Order. If no Request for Review is filed within that time period, this Order shall become final and binding in accordance with RCW 47.64.280.

If no Request for Review is filed, the Marine Employees' Commission will issue a second Order, which will state that this Order has become final and binding in accordance with RCW 47.64.280. That second Order will start the period running for any appeal to the Washington State Superior Court, pursuant to RCW 34.05.542 and 34.05.514.

DATED this _____ day of January 2003.

MARINE EMPLOYEES' COMMISSION

JOHN NELSON, Chairman