

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

DAN GAGE,

Complainant,

v.

GENERAL TEAMSTERS 174 and
WASHINGTON STATE FERRIES,

Respondents.

MEC CASE NO. 6-03

DECISION NO. 332-MEC

ORDER OF DISMISSAL
REJECTING ULP COMPLAINT
AGAINST WASHINGTON
STATE FERRIES

TO: CARLA KIISKILA, counsel for Dan Gage
AND TO: AAG DAVID SLOWN, counsel for WSF
KEN PEDERSEN, counsel for Teamsters Local 174

NATURE OF THE PROCEEDING

This matter is before the Marine Employees' Commission (MEC) for a determination pursuant to WAC 316-45-110 and WAC 316-02-620 of whether or not the complaint in this case alleges facts which may constitute an unfair labor practice so as to require further proceedings.

The original complaint dated July 12, 2002 was received by the Marine Employees' Commission on July 15, 2002. The complaint, on administrative review by the MEC, appeared to allege separate violations against Washington State Ferries, and Teamsters Local 174. Upon further review of the complaint and the letter transmitting the complaint, it became apparent that no facts were alleged that would support a complaint against Washington State Ferries. Mr. Gage's employment with WSF had terminated in the summer of 2001, and is the subject of a separate MEC proceeding. The unfair labor practice

complaint against WSF involves an action which occurred more than 180 days prior to the filing of the complaint and as such may not be remedied by MEC. (WAC 316-45-020)

ORDER OF DISMISSAL

On the basis of the complaint filed herein and the controlling statute, the Marine Employees' Commission hereby ORDERS that the complaint in this matter against the Washington State Ferries be dismissed.

The remainder of the unfair labor practice charge, which alleges a breach of the duty of fair representation against Teamsters Local 174, is not affected by this Order dismissing the complaint against WSF. A hearing in that complaint will be scheduled in the near future.

NOTICE REGARDING REQUEST FOR REVIEW

Pursuant to WAC 316-02-620, this order is a denial of adjudicative proceeding. The complainant (Gage) may file a Request for Review with the Marine Employees Commission within 30 days of his 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. Under those statutes, the complainant (Gage) has thirty days from the date of the second Order to pursue an appeal in Thurston County Superior Court or the Court of his residence. (Respondent should note that RCW 47.64.250 may be applied to limit its appeal rights to a period of no more than ten days from the second order and to limit the venue of any such appeal to Thurston County Superior Court.)

If a Request for Review is filed, the appeal period would run from the date of the issuance of a specific response to such Request.

Dated this _____ day of September 2002.

MARINE EMPLOYEES' COMMISSION

JOHN NELSON, Chairman

JOHN SULLIVAN, Commissioner

JOHN BYRNE, Commissioner