

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION)	MEC Case No. 9-97
OF THE PACIFIC,)	
)	DECISION NO. 190 - MEC
Complainant,)	
)	
v.)	ORDER DENYING PETITION
)	FOR RECONSIDERATION
WASHINGTON STATE FERRIES,)	
)	
Respondent.)	
_____)	

THIS MATTER came before the Marine Employees' Commission on December 4, 1997 when the Inlandboatmen's Union of the Pacific (IBU) filed a Petition for Reconsideration of Decision No. 182 – MEC, entered on November 24, 1997. MEC's Decision No. 182 sustained IBU's charge of unfair labor practice against Washington State Ferries, filed on March 30, 1997 and docketed as MEC Case No. 9-97. IBU petitioned the Commission to reconsider its Decision No. 182 for completeness, to the extent that the Decision and Order did not address IBU's request for costs and attorneys' fees.

Having received and considered the Petition for Reconsideration filed timely by complainant above-named in this matter, the Petition is denied on the following grounds: Decision No. 182 was decided on the basis of the charge contained in MEC Case No. 9-97 and the evidence presented on the record at hearing. MEC concluded that the Washington State Ferries did commit an unfair labor practice in violation of RCW 47.64.130(1)(a). An award of attorney fees and costs was considered by the MEC as part of a possible remedy in this matter. However, the MEC determined, on the basis of testimony given at the hearing, that the misconduct of the employer was not so egregious that it warranted an extraordinary award of attorneys' fees and costs, as requested by the Union. In light of the testimony of both union and management representatives, the MEC fashioned a remedial order which it

believes furthers the interests of the public policy expressed in chapter 47.64 RCW. Heck's Inc., 215 NLRB 765; Shoppers Food Warehouse, 315 NLRB 258.

ORDER

Having timely received the Petition of Reconsideration filed in this case and good cause appearing for its rejection:

1. It is ordered that the Petition is hereby denied.
2. It is further ordered that Decision No. 182 – MEC, entered in MEC Case No. 9-97, is hereby affirmed.

DATED this 20th day of December 1997.

MARINE EMPLOYEES' COMMISSION

/s/ HENRY L. CHILES, JR., Chairman

/s/ JOHN P. SULLIVAN, Commissioner