

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

HAROLD FOSTER,)	MEC Case No. 28-97
)	
Complainant,)	DECISION NO. 179 - MEC
)	
v.)	ORDER OF DISMISSAL
)	
WASHINGTON STATE FERRIES,)	
)	
Respondent.)	
_____)	

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on August 21, 1997, when Harold J. Foster filed an unfair labor practice complaint against the Inlandboatmen's Union of the Pacific (IBU) with the Marine Employees' Commission. (On the same date, Mr. Foster also filed a request for grievance arbitration, which was docketed as MEC Case No. 27-97.)

In his complaint, Mr. Foster charged the IBU with refusing to bargain collectively with an employer, when it is the representative of its employees, subject to RCW 47.64.170, in violation of RCW 47.64.130(2)(c). Specifically, Mr. Foster alleges that Dennis Conklin, IBU Patrolman, has failed to represent him in the past and present. Mr. Foster further alleges that in an exchange outside of the IBU hall, Mr. Conklin told him what he thought of him. By this action, Mr. Foster alleges, it is clear why he has not been

properly represented in the past. Mr. Foster further alleges that he has grievances that are over one and a half years old. Complainant Fosters asks as a remedy that MEC investigate and find out what he did or said to make Mr. Conklin think of him as he does; he further asks that grievances 96-51, 96-54, 96-57, 96-60, 96-69, 96-127, 96-95 be resolved.

The matter was docketed as MEC Case No. 28-97. Letters acknowledging receipt of the ULP complaint were sent to the parties.

Chairman Henry L. Chiles, Jr., has reviewed Mr. Foster's complaint, including attached documents. He has determined, pursuant to WAC 316-45-110, that the facts, as alleged, would not as a matter of law, constitute a refusal to bargain with employer in violation of RCW 47.64.130(2)(c) if later found to be true and provable at an adjudicative hearing. Further, the facts alleged by Mr. Foster do not appear to support a charge of failure to represent, which he asserted in his complaint, but which he did not charge.

ORDER

Based upon his review of the complaint and attachments filed by Mr. Foster, and for the reasons stated above, Chairman Chiles hereby orders that the unfair labor practice complaint filed by Harold Foster against the Inlandboatmen's Union in MEC Case No. 28-97 be dismissed.

PETITION FOR REVIEW OF COMMISSIONER DECISION

Pursuant to WAC 316-45-110, a complaint dismissed by an individual Commission member shall be subject to a petition for review as provided in WAC 316-45-350. A

Petition for review of this decision must be made within 20 days following the date of the order. The petition shall be filed with the Commission at its office in Olympia. Such a petition shall be served on all other parties to the proceeding and shall contain a statement of the specific ruling on which Mr. Foster seeks review. Any written argument to be considered by the Commission should be attached to the Petition. Other parties to the proceeding have fourteen day following the date on which they are served a copy of a Petition for Review to file a response. If no Petition is filed, and no action taken by the Commission within thirty days following the date of this order, the decision will become final and binding.

DATED this 19th day of September 1997.

MARINE EMPLOYEES' COMMISSION

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

