

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

BORD R. LANGVOLD,)	MEC Case No. 3-99
)	
)	
Complainant,)	DECISION NO. 210-MEC
)	
v.)	
)	MEC CHAIRMAN'S
WASHINGTON STATE FERRIES,)	ORDER OF DISMISSAL
)	
Respondent.)	
_____)	

Bord R. Langvold, Washington State Ferries employee, on behalf of himself.

Christine Gregoire, Attorney General, by David Slown, Assistant Attorney General, appearing for and on behalf of Washington State Ferries.

This matter came on regularly before the Marine Employees' Commission on February 26, 1999, when Bord R. Langvold filed an unfair labor practice complaint against the Washington State Ferries (WSF). Mr. Langvold charged WSF with discharging or otherwise discriminating against an employee after employee has filed charges or has given testimony concerning subjects covered by chapter 47.64 RCW.

In his complaint, Mr. Langvold alleges that for reasons related to a sexual harassment charge made against him, but which resulted in no discipline of him by the Washington State Ferries, he is not being dispatched as a relief Able Bodied Seaman on WSF Anacortes routes. This has resulted in a loss of earnings. Mr. Langvold requests that his personnel file be expunged and that he be dispatched again on the Anacortes routes.

This matter was docketed as MEC Case No. 3-99. A letter acknowledging receipt of the unfair labor practice complaint was sent to the parties on March 1, 1999.

REVIEW BY CHAIRMAN

Pursuant to WAC 316-35-090, MEC Chairman Henry L. Chiles, Jr. has reviewed the facts alleged in the unfair labor practice charge, including the extension supporting materials submitted by Mr. Langvold and determined that:

1. The facts alleged by Mr. Langvold in his complaint, if true and proven, would not constitute unfair labor practices within the meaning of RCW 47.64.130(1)(d), which states:

47.64.130(1) It is an unfair labor practice for ferry system management or its representative

...

(d) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this chapter .

...

2. The facts alleged by Mr. Langvold in support of the charge of unfair labor practices took place in 1997. WAC 316-45-020 specifies that:

[a] complaint charging an unfair labor practice may not be filed later than one hundred eighty days after the party filing such complaint knew or should have known of the event, activity, or practice alleged to be violations of protected rights under RCW 47.64.130 and WAC 316-45-003.

The acts alleged by Mr. Langvold as violations of RCW 47.64.130(1)(d) are too old, time-barred, and cannot be considered by this Commission.

ORDER

Based on the reasons set forth herein, Chairman Chiles orders that the charges of unfair labor practices contained in MEC case No. 3-00 are dismissed.

RIGHT TO PETITION FOR REVIEW

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 316-45-110. A petition for review of this decision must be filed within 20 days following the date of the order. The petition for review shall be filed with the Commission at its office in Olympia. A copy of the petition must be served on the Washington State Ferries. WSF will have fourteen days following the date on which it is served with a copy of the Petition for Review to file a responsive brief or written argument. In the event no timely Petition for Review is filed and no action taken by the Commission on its own motion within 30 days following the Chairman's Order of Dismissal, 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 11th day of March 1999.

MARINE EMPLOYEES' COMMISSION

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

