

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

RAY TWITTY,	)	
	)	MEC Case No. 8-01
Complainant,	)	
	)	
v.	)	DECISION NO. 275 - MEC
	)	
DISTRICT NO. 1, MARINE	)	MEC CHAIRMAN'S
ENGINEERS BENEFICIAL	)	ORDER OF DISMISSAL
ASSOCIATION,	)	
	)	
Respondent.	)	
_____	)	

*Ray Twitty*, on behalf of himself.

*Mario Micomonaco*, Union Representative, on behalf of District No. 1 Marine Engineers Beneficial Association.

REVIEW BY CHAIRMAN

This matter came on regularly before the Marine Employees' Commission (MEC) on April 5, 2001, when Ray Twitty charged the Marine Engineers Beneficial Association (MEBA) with engaging in unfair labor practices within the meaning of RCW 47.64.130 and WAC 316-45-003 by restraining or coercing employees in the exercise of the rights guaranteed by these chapters.

In his complaint, Mr. Twitty charged MEBA with changing its ballot referendum procedures for the recent WSF only dues increase. More particularly, Mr. Twitty asserts that a number of ballots were invalidated, thereby disenfranchising nearly half of the bargaining unit. Further, Mr. Twitty asserts that voting procedures utilized a single, non-opaque ballot return envelope which could both allow the vote to be determined prior to the opening of the ballot and also could determine the voter's identity since the return envelopes were signed by the employees. Finally Mr. Twitty asserts that

MEBA did not provide return postage for the ballot in a deliberate attempt to reduce participation of the bargaining unit in the referendum.

Mr. Twitty would have the MEC invalidate the results of the referendum and mandate a new vote requiring MEBA to utilize different voting procedures.

Chairman John D. Nelson has reviewed Mr. Twitty's complaint and determined pursuant to WAC 316-45-110, that the facts as alleged would not, as a matter of law, constitute a violation as asserted in Mr. Twitty's complaint. More particularly, matters complained of herein constitute internal union procedures which are not cognizable under the statutory framework which authorizes MEC to operate. Accordingly, the following ORDER is appropriate.

#### ORDER

Based upon his review of the complaint and relevant attachments, and for the reasons stated above, Chairman Nelson hereby orders that the unfair labor practice complaint filed by Ray Twitty against MEBA, MEC Case No. 8-01, be 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 316-45-350. 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 District No. 1, Marine Engineers Beneficial Association. MEBA will have 14 days following the

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date on which it is served with a copy of the petition for review to file a response 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 \_\_\_\_ day of June 2001.

MARINE EMPLOYEES' COMMISSION

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JOHN D. NELSON, Chairman