

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION)	MEC Case No. 15-99
OF THE PACIFIC,)	
)	
Complainant,)	DECISION NO. 219- MEC
)	
v.)	MEC CHAIRMAN'S
)	ORDER OF DISMISSAL
RUSSELL'S AT ORCAS, INC.)	
)	
Respondent.)	
<hr/>		

Schwerin, Campbell and Barnard, attorneys, by Elizabeth Ford, appearing for and on behalf of the Inlandboatmen's Union of the Pacific.

Lane, Powell, Spears and Lubersky, attorneys, by Clemens H. Barnes, appearing for and on behalf of Russell's at Orcas.

This matter came on regularly before the Marine Employees' Commission on October 19, 1999, when the Inlandboatmen's Union of the Pacific (IBU) filed an unfair labor practice complaint against Russell's at Orcas, Inc. IBU's complaint charged Russell's with engaging in unfair labor practices within the meaning of RCW 47.64.130 by refusing to bargain in good faith with the union regarding impasse procedures.

REVIEW BY CHAIRMAN CHILES

Pursuant to WAC 316-45-110, MEC Chairman Henry L. Chiles, Jr. has reviewed the facts alleged in the unfair labor practice charge and correspondence from MEC Case No. 10-99. Chairman Chiles hereby dismisses the unfair labor practice charges for the reasons stated below.

1. The IBU filed a petition to represent a unit of employees of Russell's at Orcas, Inc. with the National Labor Relations Board, a U.S. government agency.

2. After a hearing was held in early 1999, the NLRB took jurisdiction over the employer and conducted an election. The IBU was certified as bargaining representative.
3. The IBU sought bargaining about impasse procedures and the employer declined.
4. IBU, in essence, seeks to have the MEC find that the employer is bound by RCW 47.64.090. No hearing has been held to determine this issue. The MEC declines to do so at this time.
5. The MEC declines to process the charge. The employer has come within the jurisdiction of the NLRB and the parties are free to take a dispute to that agency.
6. At this time, the MEC defers to the NLRB.

ORDER

Based on the reasons set forth herein, Chairman Chiles orders that the charge of unfair labor practice contained in MEC Case No. 15-99 is dismissed.

RIGHT TO PETITION FOR REVIEW

Pursuant to WAC 316-45-110 and WAC 315-45-350, the IBU has the right to petition for a review of the Chairman's decision and order to the entire Commission. IBU may file a Petition for Review with the entire MEC within 20 days following the date of the order issued by Chairman Chiles. The original Petition for Review shall be filed with the Commission at its Olympia office. A copy thereof shall be served on Russell's at Orcas. Russell's will have 14 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 is taken by the Commission on its own motion within 30 days following the Chairman's order, 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 November 1999.

MARINE EMPLOYEES' COMMISSION

HENRY L. CHILES, JR. Chairman