

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

GEORGE B. GREENWOOD,)	MEC Case No. 6-00
)	
Complainant,)	
)	DECISION NO. 234 –MEC
v.)	
)	MEC CHAIRMAN'S
DISTRICT NO. 1, MARINE)	ORDER OF DISMISSAL
ENGINEERS' BENEFICIAL)	
ASSOCIATION,)	
)	
Respondent.)	
_____)	

George B. Greenwood on behalf of himself.

John McCurdy, Seattle Branch Agent, on behalf of District No. 1, Marine Engineers' Beneficial Association.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on May 3, 2000 when George B. Greenwood 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. Greenwood alleged that he had nominated a person for a WSF bargaining unit representative and his nominee was disqualified. Mr. Greenwood alleged that Branch Agent John McCurdy had already chosen a person for the position and was tampering with the election.

The matter was docketed as MEC Case No. 6-00.

REVIEW BY CHAIRMAN

Pursuant to WAC 316-45-110, MEC Chairman Henry L. Chiles, Jr. has reviewed the facts alleged in the unfair labor practice charge including a reply to the charge by Branch Agent John McCurdy and determined that:

1. George B. Greenwood is employed by Washington State Ferries and a member of a bargaining unit represented by MEBA.
2. Branch Agent John McCurdy sought the advice of unit members on the appointment of a new unit representative.
3. Mr. Greenwood nominated a person for this position and the person was disqualified allegedly for reasons previously unstated in the nominating criteria.
4. Branch Agent John McCurdy stated that he had the right to appoint the new representative, but sought the advice of bargaining unit members. There were four qualified candidates and Mr. Greenwood's nominee was disqualified.

This matter involves an internal union election or appointment. Internal union elections do not fall within the jurisdiction of the Marine Employees' Commission. There has been no violation of RCW 47.64.130 and WAC 316-45-003 and it follows that the charge must be dismissed.

ORDER

Based on the reason set forth herein, Chairman Chiles orders that the charge of unfair labor practices contained in MEC Case 6-00 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 316-45-350. 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 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 May 2000.

MARINE EMPLOYEES' COMMISSION

HENRY L. CHILES, JR., Chairman