

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

RAY TWITTY,)	
)	MEC Case No. 4-01
Complainant,)	
)	
v.)	DECISION NO. 267 - 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.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on March 8, 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 the MEBA and its Branch Agent John McCurdy with unlawful refusal to represent Mr. Twitty by withdrawing MEC Case 44-00. The charge further alleges that MEBA did no preparation for the presentation of Case 44-00 and dropped the matter as punishment for Mr. Twitty's opposition to a dues increase for Washington State Ferry employees represented by MEBA.

The matter was docketed as MEC Case No. 4-01. A letter acknowledging receipt of the unfair labor practice complaint was sent to the parties.

REVIEW BY CHAIRMAN

Review of the documents discloses that after MEBA filed the grievance in MEC Case No. 44-00, it initially sought to withdraw the case, but asked the MEC to delay any action pending review of the grievance subject matter by legal counsel. Such review was completed and MEBA was advised by counsel that, based upon a comprehensive analysis of all issues relating to the grievance, there was little chance of prevailing and the grievance should be withdrawn. MEBA complied with this legal advice.

While Mr. Twitty wishes to pursue the grievance on his own, without the assistance of MEBA, there is no procedure before the MEC permitting an individual employee to pursue a contractual interpretation with which his exclusive bargaining representative disagrees. *Ray Twitty v. WSF*, 232-MEC (2000).

Chairman John D. Nelson has reviewed Mr. Twitty's complaint together with a review of the relevant documents in MEC Case No. 44-00. He has determined, pursuant to WAC 316-45-110, that the facts, as alleged would not as a matter of law, constitute a failure to represent as asserted in Mr. Twitty's complaint.

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. 4-01, 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 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 April 2001.

MARINE EMPLOYEES' COMMISSION

JOHN D. NELSON, Chairman