

Title 316 WAC

MARINE EMPLOYEES' COMMISSION

Chapters

316-55 Marine employees' impasse resolution rules.

Chapter 316-55 WAC

MARINE EMPLOYEES' IMPASSE RESOLUTION RULES

WAC

316-55-001 Scope—Contents—Other rules.
 316-55-005 Impasse procedures—Adoption.
 316-55-010 Resolution of impasses—Request for mediation.
 316-55-020 Mediation request—Information required.
 316-55-030 Impasse resolution—Appointment of mediator.
 316-55-090 Impasse resolution—Confidential nature of function.
 316-55-160 Salary survey.
 316-55-170 Waiver of mediation.
 316-55-500 Binding arbitration.
 316-55-525 Conduct of interest arbitration.
 316-55-600 Central filing of agreements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

316-55-110 Impasse resolution—Dispute resolution panel. [Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-110, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-110, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-110, filed 3/20/84.] Repealed by 10-11-025, filed 5/10/10, effective 6/10/10. Statutory Authority: RCW 47.64.280.

316-55-120 Impasse resolution—Expenses. [Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-120, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-120, filed 3/2/90, effective 4/2/90.] Repealed by 10-11-025, filed 5/10/10, effective 6/10/10. Statutory Authority: RCW 47.64.280.

316-55-130 Impasse resolution—Disclosure. [Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-130, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-130, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-130, filed 3/20/84.] Repealed by 10-11-025, filed 5/10/10, effective 6/10/10. Statutory Authority: RCW 47.64.280.

316-55-150 Impasse resolution—Vacancies. [Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-150, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-150, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-150, filed 3/20/84.] Repealed by 10-11-025, filed 5/10/10, effective 6/10/10. Statutory Authority: RCW 47.64.280.

316-55-505 Final offer. [Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-505, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-505, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-505, filed 3/20/84.] Repealed by 10-11-025, filed 5/10/10, effective 6/10/10. Statutory Authority: RCW 47.64.280.

316-55-510 Single arbitrator. [Statutory Authority: RCW 34.05.-230. 03-12-074, § 316-55-510, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-510, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-510, filed 3/20/84.] Repealed by 10-11-025, filed 5/10/10, effective 6/10/10. Statutory Authority: RCW 47.64.280.

316-55-515 Arbitration panel. [Statutory Authority: RCW 34.05.-230. 03-12-074, § 316-55-515, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-515, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-515, filed

3/20/84.] Repealed by 10-11-025, filed 5/10/10, effective 6/10/10. Statutory Authority: RCW 47.64.280.

316-55-517 Arbitration panel chairman—Qualifications—Replacement. [Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-517, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-517, filed 3/2/90, effective 4/2/90.] Repealed by 10-11-025, filed 5/10/10, effective 6/10/10. Statutory Authority: RCW 47.64.280.

316-55-700 Result of collective bargaining agreements—If budget or fares exceeded. [Statutory Authority: RCW 34.05.-230. 03-12-074, § 316-55-700, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-700, filed 3/2/90, effective 4/2/90.] Repealed by 10-11-025, filed 5/10/10, effective 6/10/10. Statutory Authority: RCW 47.64.280.

316-55-710 Collective bargaining agreements stayed. [Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-710, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-710, filed 3/2/90, effective 4/2/90.] Repealed by 10-11-025, filed 5/10/10, effective 6/10/10. Statutory Authority: RCW 47.64.-280.

316-55-730 Commission action. [Statutory Authority: RCW 34.05.-230. 03-12-074, § 316-55-730, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-730, filed 3/2/90, effective 4/2/90.] Repealed by 10-11-025, filed 5/10/10, effective 6/10/10. Statutory Authority: RCW 47.64.280.

WAC 316-55-001 Scope—Contents—Other rules.

This chapter directs activities of and proceedings before the marine employees' commission relating to impasses occurring in collective bargaining. This chapter does not reflect, and does not provide procedures for, direct involvement of the commission in the investigation and/or settlement of contested cases between parties. The assistance rendered by the commission to the parties at impasse during collective bargaining is not adjudicatory in nature and is not governed by RCW 34.05.425 or 34.12.020 or chapter 10-08 WAC. Such assistance is considered to be a ministerial act prescribed by RCW 47.64.170 through 47.64.220. However, because the collective bargaining process is related to bargaining unit recognition and clarification, to fair representation of ferry employees, to alleviation of ferry employee grievances, and to salary survey procedures and requests, the terms of this chapter should be read together with the terms of:

(1) Chapter 316-02 WAC, which lists rules of practice and procedure applicable to all types of proceedings before the marine employees' commission.

(2) Chapter 316-25 WAC, which lists rules about proceedings on petitions for investigation of questions concerning representation of ferry system employees.

(3) Chapter 316-35 WAC, which lists rules about proceedings on petitions for clarification of an existing ferry system employees' bargaining unit.

(4) Chapter 316-45 WAC, which lists rules about proceedings on complaints charging unfair labor practices in the Washington state ferry system.

(5) Chapter 316-65 WAC, which lists rules about arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement in the Washington state ferry system.

(6) Chapter 316-75 WAC, which lists rules about determination of union security disputes arising between ferry system employees and employee organizations certified or recognized as their bargaining representative.

(7) Chapter 316-85 WAC, which lists rules about salary surveys of compensation, benefits, and conditions of employment.

[Statutory Authority: RCW 47.64.280. 10-11-025, § 316-55-001, filed 5/10/10, effective 6/10/10. Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-001, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-001, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-001, filed 3/20/84.]

WAC 316-55-005 Impasse procedures—Adoption.

As the first step in the performance of their duty to bargain, the employer and the ferry employee organization will endeavor to agree upon impasse procedures. Such agreement shall provide for implementation of those impasse procedures not later than August 1st in each even-numbered year preceding the biennial budget period during which the bargaining agreement should take effect. If the parties fail to agree upon impasse procedures, RCW 47.64.210, 47.64.230, and 47.64.-300 will apply.

Before November 1st each odd-numbered year, the parties shall execute a written agreement naming the agreed-upon arbitrator and dates reserved for bargaining and arbitration, in accordance with RCW 47.64.170 (6)(a).

[Statutory Authority: RCW 47.64.280. 10-11-025, § 316-55-005, filed 5/10/10, effective 6/10/10. Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-005, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-005, filed 3/2/90, effective 4/2/90.]

WAC 316-55-010 Resolution of impasses—Request for mediation. When there is no impasse agreement between the parties, or either party fails to utilize its procedures by August 1st in each even-numbered year, either party may request in writing that the marine employees' commission appoint a mediator. A copy of the request is to be served on the other party.

[Statutory Authority: RCW 47.64.280. 10-11-025, § 316-55-010, filed 5/10/10, effective 6/10/10. Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-010, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-010, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-010, filed 3/20/84.]

WAC 316-55-020 Mediation request—Information required. The party or parties requesting mediation must provide the following information to the commission:

- (1) The name and address of the employer and the name, address and telephone number of the employer's principal representative in the negotiations;
- (2) The name and address of the employee organization and the name, address and telephone number of the employee organization's principal representative in the negotiations;
- (3) A clear and concise statement of the disputed issues and the parties' positions;
- (4) A description of the size and composition of the bargaining unit involved;
- (5) The expiration date of any collective bargaining agreement then in effect or recently expired;
- (6) Any other relevant information; and
- (7) The name, signature, and capacity of each officer, agent, attorney, or other individual acting for the filing party or parties.

[Statutory Authority: RCW 47.64.280. 10-11-025, § 316-55-020, filed 5/10/10, effective 6/10/10. Statutory Authority: RCW 34.05.230. 03-12-

074, § 316-55-020, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-020, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-020, filed 3/20/84.]

WAC 316-55-030 Impasse resolution—Appointment of mediator. When a request for mediation is filed, the commission will appoint a qualified, impartial, and disinterested person to serve as mediator.

[Statutory Authority: RCW 47.64.280. 10-11-025, § 316-55-030, filed 5/10/10, effective 6/10/10. Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-030, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-030, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-030, filed 3/20/84.]

WAC 316-55-090 Impasse resolution—Confidential nature of function. Information disclosed by the parties to the mediator in confidence during the course of mediation will not be revealed by the mediator. Mediation meetings are exempt from the provisions of chapter 42.30 RCW.

[Statutory Authority: RCW 47.64.280. 10-11-025, § 316-55-090, filed 5/10/10, effective 6/10/10. Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-090, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-090, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-090, filed 3/20/84.]

WAC 316-55-160 Salary survey. Before collective bargaining, the commission will conduct a salary survey as required by RCW 47.64.220 in the manner and procedure described in chapter 316-85 WAC. The published salary survey report is a public document.

[Statutory Authority: RCW 47.64.280. 10-11-025, § 316-55-160, filed 5/10/10, effective 6/10/10. Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-160, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-160, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-160, filed 3/20/84.]

WAC 316-55-170 Waiver of mediation. By mutual agreement, the parties may waive mediation and proceed with binding arbitration as provided for in the impasse procedures agreed to under RCW 47.64.200 or 47.64.300 through 47.64.320. This waiver must be in writing and signed by the representatives of the parties. Regardless of the status of the mediation, the parties must comply with the interest arbitration agreement under RCW 47.64.170 (6)(a).

[Statutory Authority: RCW 47.64.280. 10-11-025, § 316-55-170, filed 5/10/10, effective 6/10/10. Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-170, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-170, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-170, filed 3/20/84.]

WAC 316-55-500 Binding arbitration. If agreement has not been reached within a reasonable period of negotiations and mediation, if applicable, or in compliance with the parties' interest arbitration agreement under RCW 47.64.170 (6)(a), all impasse items will be submitted to arbitration. Each of the parties will notify the commission of the outstanding disputed issues, in writing, within five days after reaching impasse. Notice to the commission must contain:

- (1) The name, address and telephone number of the parties' principal representative in negotiations;
- (2) A description of the size and composition of the bargaining unit involved;

(3) A clear and concise statement of the disputed issues and the party's final positions.

The commission will review the issues submitted and issue an order certifying those appropriate for interest arbitration. If the parties have a dispute over the issues for arbitration, the commission may convene a hearing to take evidence to decide the issue.

The issues for arbitration shall be limited to the issues certified by the commission.

The original notice must be filed with the commission at its Olympia office. Each party must file the notice with both the commission and the selected arbitrator and serve a copy on the other party to impasse. Amendments to notices must be filed and served in the same manner as the original notice in the proceeding.

[Statutory Authority: RCW 47.64.280, 10-11-025, § 316-55-500, filed 5/10/10, effective 6/10/10. Statutory Authority: RCW 34.05.230, 03-12-074, § 316-55-500, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280, 90-06-047, § 316-55-500, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-500, filed 3/20/84.]

WAC 316-55-525 Conduct of interest arbitration.

The issues for arbitration shall be limited to the issues certified by the commission. Except with respect to biennial bargaining described under RCW 47.64.170(6), the parties will follow interest arbitration procedures contained in RCW 47.64.300 through 47.64.330. The parties will provide the commission with a copy of the final award when issued.

[Statutory Authority: RCW 47.64.280, 10-11-025, § 316-55-525, filed 5/10/10, effective 6/10/10. Statutory Authority: RCW 34.05.230, 03-12-074, § 316-55-525, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280, 90-06-047, § 316-55-525, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-525, filed 3/20/84.]

WAC 316-55-600 Central filing of agreements. The parties to collective bargaining agreements entered into as a result of collective bargaining in accordance with chapter 47.64 RCW will file a complete copy of their agreement with the commission.

[Statutory Authority: RCW 47.64.280, 10-11-025, § 316-55-600, filed 5/10/10, effective 6/10/10. Statutory Authority: RCW 34.05.230, 03-12-074, § 316-55-600, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280, 90-06-047, § 316-55-600, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-600, filed 3/20/84.]