

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION OF	)	MEC Case No. 4-99
THE PACIFIC,	)	
	)	
Complainant,	)	DECISION NO. 211 – MEC
	)	
v.	)	ORDER DISMISSING
	)	COMPLAINT
WASHINGTON STATE FERRIES,	)	
	)	
Respondent.	)	
_____	)	

Nancy Maisano, attorney at law, appearing for and on behalf of the Inlandboatmen's Union of the Pacific.

Christine Gregoire, Attorney General, by David Slown, Assistant Attorney General, for and on behalf of Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on March 1, 1999, when the Inlandboatmen's Union of the Pacific (IBU) filed an unfair labor practice against the Washington State Ferries (WSF). IBU's complaint charged WSF with engaging in unfair labor practices within the meaning of RCW 47.64.130 by encouraging or discouraging membership in an employee organization.

IBU alleged that WSF unilaterally changed its prior, contractually mandated practice of paying employees for the time spent returning to their normal relieving terminal after the delivery of a vessel to a point other than its normal relieving terminal.

Following review, the Marine Employees' Commission requested IBU provide additional facts in support of its charge in order for the Commission to determine whether the facts alleged as a matter of law would constitute an unfair labor practice. On April 26, 1999, IBU counsel, Nancy

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Maisano filed an amendment to the complaint providing additional information and correcting the charge made in the original complaint to refusing to bargain collectively with representatives of employees.

The Commission reviewed the amended complaint and determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable.

Chairman Henry L. Chiles, Jr. was appointed to act as hearing examiner. Commissioner John Sullivan conducted a settlement conference on May 26. On May 28, 1999, IBU counsel filed a second amendment to the complaint. On June 16, 1999, the parties requested Commissioner Sullivan's assistance in a second day of settlement. He met with the parties on June 24, 1999; however, the matter was still not resolved. Hearing Examiner Chiles convened the prehearing conference on July 1, 1999.

By letter dated July 6, 1999, IBU counsel, Nancy Maisano, withdrew MEC Case No. 4-99. The July 8, 1999 hearing date was cancelled.

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ORDER

It is hereby ordered that the unfair labor practice complaint, filed by IBU against WSF and docketed as MEC Case No.4-99, be dismissed.

DATED this 26th day of July 1999.

MARINE EMPLOYEES' COMMISSION

HENRY L. CHILES, JR., Chairman

/s/ JOHN P. SULLIVAN, Commissioner

/s/ DAVID E. WILLIAMS, Commissioner

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