

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION  
OF THE PACIFIC,

Complainant,

v.

WASHINGTON STATE DEPARTMENT  
OF TRANSPORTATION, FERRIES  
DIVISION,

Respondent.

MEC CASE NO. 5-09

DECISION NO. 555 - MEC

ORDER CLOSING  
SETTLED COMPLAINT

Schwerin, Campbell, Barnard, Iglitzin and Lavitt, by *Robert Lavitt*, Attorney, appearing for the Inlandboatmen's Union of the Pacific.

Robert McKenna, Attorney General, by *Don Anderson*, Assistant Attorney General, appearing for Washington State Department of Transportation, Ferries Division.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on November 8, 2008, when the Inlandboatmen's Union (IBU) filed an unfair labor practice complaint, MEC Case No. 5-09, against the Washington State Department of Transportation, Ferries Division (WSF).

IBU's complaint charged WSF with engaging in unfair labor practices within the meaning of RCW 47.64.130(1) by interfering with, restraining or coercing employees in the exercise of rights; discharging or otherwise discriminating against an employee after the employee has filed charges or given testimony concerning subjects covered by chapter 47.64 RCW; and by refusing to bargain collectively with representatives of employees.

Specifically, IBU alleged that WSF issued directives to Amusia Tuimauga that were intimidating and retaliatory, after she had filed a discrimination complaint with the Washington State Human Rights Commission.

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Following review of the IBU's complaint, the Commission determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable.

Commissioner Patricia Warren was assigned as Mediator for the settlement conference scheduled on January 23, 2009. Chairman John Swanson was designated to act as Hearing Examiner and a hearing scheduled for March 31, 2009.

On January 16, 2009, the IBU and WSF agreed to postpone the January settlement conference to await the outcome of another proceeding. The March 31, 2009 hearing date was later cancelled and the settlement conference continued until April 10. On April 9, IBU Business Agent Jay Ubelhart notified the MEC that WSF has provided the union with documents that fulfill the remedy sought in Case 5-09 and IBU considers the case settled.

### **ORDER**

It is hereby ordered that the unfair labor practice complaint, filed by IBU against WSF and docketed as MEC Case 5-09, is closed in acknowledgement of the parties' settlement.

DATED this 28th day of April 2009.

MARINE EMPLOYEES' COMMISSION

/s/JOHN SWANSON, Chairman

/s/ JOHN COX, Commissioner

/s/ PATRICIA WARREN, Commissioner