

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION OF THE
PACIFIC,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 1-03

DECISION NO. 333 – MEC

ORDER OF DISMISSAL

Schwerin, Campbell and Barnard by attorney, *Dmitri Iglitzin*, 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 July 9, 2002, when Dennis Conklin, Inlandboatmen's Union of the Pacific (IBU), filed an unfair labor practice complaint against the Washington State Ferries (WSF). The matter was docketed as MEC Case No. 1-03.

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; and refusing to bargain collectively with representatives of employees. Specifically, IBU alleged WSF has continued to deny terminal department employees' requests for leave without pay, the same issue contained in MEC Case 33-00 (filed August 28, 2000) and decided by Decision and Order, No. 310-MEC. In addition, IBU alleged that WSF denied information department employees the opportunity to trade shifts; a practice the union contends has existed since 1979.

Following initial review of the complaint, the Commission determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable. Chairman John Nelson was designated to act as Hearing Examiner. A settlement conference was scheduled for September 3, 2002 and a hearing for December 9, 2002.

During the settlement conference on September 3, with Commissioner Sullivan's assistance, the parties reached agreement. Commissioner Sullivan forwarded the parties' signed settlement agreement (which includes IBU's withdrawal of the complaint) to the MEC office. That agreement is appended to and becomes a part of this Order by reference.

ORDER

It is hereby ordered that the unfair labor practice complaint, filed by IBU against WSF and docketed as MEC Case No. 1-03, be dismissed.

DATED this 15th day of September 2002.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

**Settlement Agreement
MEC Case 1-03**

In full and complete settlement of MEC Case No. 1-03, the Inland Boatmen's Union of The Pacific and Washington State Ferries, hereby agree as follows:

1. In the Information Department, there has been in effect a practice of allowing employees to trade shifts when this has no adverse effect upon labor costs or efficiency.
2. The parties agree that the above practice shall continue, subject to the requirement that requests to trade shifts be made on and in accordance with, the attached form "Information Department Shift Trade Request."
3. The IBU agrees to withdraw MEC Case No. 1-03. A fully executed copy of this agreement shall constitute a request for withdrawal.

For WSF
/s/ Michael Manning
9/3/02

For IBU
/s/ Dennis Conklin
9/3/02