

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 1-04

DECISION NO. 400 - MEC

ORDER CLOSING
SETTLED COMPLAINT

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

Christine Gregoire, Attorney General, by *David Slown*, Assistant Attorney General, appearing for the Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on July 7, 2003, 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. 1-04.

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 that on or about June 7, 2003, WSF unilaterally altered working conditions by issuing a new variance performance standard of ten cents per transaction, resulting in disciplinary action. The Union maintained that this was an alteration of the standard which had been in place for at least five years.

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. Commissioner John

Sullivan was assigned to act as Mediator at a settlement conference scheduled for September 15, 2003. Commissioner John Byrne was designated to act as Hearing Examiner for the hearing scheduled on October 21, 2003.

The parties did not reach agreement during the September 15 conference. WSF filed its Answer to the Complaint on October 7, 2003.

On October 16, 2003, IBU requested the hearing be continued; it was rescheduled for January 29, 2004. Commissioner Byrne conducted the hearing on January 29, but did not conclude. The parties reconvened the afternoon of January 30, at which time IBU and WSF agreed to settle the matter. Commissioner Byrne forwarded the parties' signed settlement agreement (which includes IBU's withdrawal of the complaint) to the MEC office. That agreement (received February 2, 2004) 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 1-04, is closed in acknowledgment of the parties' agreement.

DATED this 27th day of February 2004.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

Settlement Agreement
MEC Case No. 1-04

The parties to this case agree to settle the matter as follows:

1. The written information of an oral warning given to Ms. Kristen Anson is withdrawn and stricken and cannot be the basis or a basis of any action against Ms. Anson.
2. The parties agree that Revenue Control and Collection Policies and Procedures as stated in Bulletin 97#04, Section 9, pages 9-3 through 9-6 and Bulletin 97#07 remain the controlling criteria for employee performance.
3. The parties agree that the data collection and assessment program that generated the so-called 10¢ benchmark is to be continued for the purpose of training and evaluation.
4. Appropriate supervisors may take the information generated by that program into consideration when reviewing an employee's performance but no discipline will flow automatically from the statistics. Discipline is to be determined by a complete evaluation of all circumstances under the guidelines to which paragraph 2 makes reference.
5. Terminal agents will be informed of this settlement.
6. The charge is hereby withdrawn.

/s/ David J. Slown 1/30/04
WSF

/s/ Robert H. Lavitt
IBU