

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION OF THE PACIFIC,	)	MEC Case No. 11-98
	)	
	)	
Complainant,	)	DECISION NO. 202-MEC
	)	
v.	)	
	)	
WASHINGTON STATE FERRIES,	)	ORDER DISMISSING ADJUSTED COMPLAINT
	)	
Respondent.	)	
_____	)	

Elizabeth Ford, 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 July 27, 1998, 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: (1) interfering with, restraining or coercing employees in the exercise of rights; and (2) refusing to bargain collectively with representatives of employees.

IBU alleged that WSF unilaterally implemented a new fire fighting training class and test that Ordinary Seamen and newly hired employees were required to pass. Employees who did not pass would be terminated. The Union's first knowledge of the test came following termination of two Ordinary Seamen who were unable to complete the drill involving an engine room fire. IBU informed WSF that this new condition of employment was a mandatory subject of bargaining and must be bargained prior to implementation. In addition, IBU demanded that the two terminated Seamen be returned to work.

Following review, the Marine Employees' Commission determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable. Commissioner David E. Williams was appointed to act as hearing examiner. A settlement conference was scheduled for September 16, 1998; a prehearing conference for October 22, 1998; and the hearing for November 5, 1998.

Commissioner John Sullivan conducted the settlement conference on September 16, 1998, at which time the parties succeeded in reaching agreement in this matter.

By letter dated October 22, 1998, IBU counsel Elizabeth Ford withdrew MEC Case No. 11-98. A copy of the settlement agreement is appended hereto and included in the 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. 11-98, be dismissed.

DATED this 4th day of November, 1998.

MARINE EMPLOYEES' COMMISSION

/s/ HENRY L. CHILES, JR., Chairman

/s/ JOHN P. SULLIVAN, Commissioner

/s/ DAVID E. WILLIAMS, Commissioner



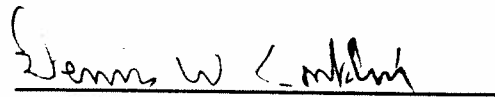
## SETTLEMENT AGREEMENT

The Inlandboatmen's Union of the Pacific ("IBU") and the Washington State Ferries ("WSF") agree as follows:

1. The WSF agrees to make Barb Harris and Stephanie Redbird whole for their wages and benefits lost as the result of their termination on April 15, 1998 and April 25, 1998, respectively, less any interim earnings <sup>or unemployment</sup> compensation. Any back pay shall not count for purposes of each employee's probationary period and each employee shall resume their employment with 792 and 479 hours, respectively.
2. The WSF agrees to reinstate Harris and Redbird to their former positions and allow them to submit bids for permanent positions along with the employees who submitted such bids in August, 1998.
3. The WSF agrees that it will not terminate current employees for failure to successfully complete basic or advanced firefighter training. If Coast Guard regulations require firefighter training for newly hired Ordinary Seamen, the parties will negotiate that change.
4. In exchange for the above, the IBU agrees to withdraw MEC charge 11-98.

DATED this 16th day September, 1998.

  
For the ~~IBU~~  
WSF

  
For ~~WSF~~  
IBU