

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

PATRICK BAXTER)	MEC Case No. 12-92
)	
Complainant,)	DECISION NO. 100
)	
v.)	
)	ORDER OF DISMISSAL
WASHINGTON STATE FERRIES)	
and MARINE ENGINEERS)	
BENEFICIAL ASSOCIATION/)	
DISTRICT 1 PACIFIC COAST)	
DISTRICT,)	
)	
Respondents .)	
_____)	

Jeff Cowan, Attorney, appearing for and on behalf of Patrick Baxter.

Davies, Roberts and Reid, attorneys, by Kenneth J. Pedersen, appearing for and on behalf of District No. 1 Pacific Coast District, Marine Engineers Beneficial Association.

Christine Gregoire, Attorney General, by Robert McIntosh, Assistant Attorney General, appearing for and on behalf of Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on November 30, 1992 when Complainant Patrick Baxter filed unfair labor practice charges against the Washington State Ferries (WSF) and District # 1 PCD/MEBA.

In his complaint, Mr. Baxter charged employer WSF with violating RCW 47.64.130(1)(c) and WAC 316-45-033(1)(c), encouraging or discouraging membership in employee organization by discrimination in regard to: hiring, tenure, or any term or condition of employment. Mr. Baxter further alleged that Dist. #1 PCD/MEBA had violated RCW 47.64.130(2)(b) and WAC 316-45-003(2)(c), causing or attempting to cause an employer to discriminate against

an employee in violation of RCW 47.64.130(1)(c) and WAC 316-45-003(1)(c). Specifically, Mr. Baxter charged that on or about March 13, 1992, Dist. #PCD/MEBA refused to dispatch him to the WSF because he did not possess a “Pacific Coast District” drug screen certificate. The complainant alleged that on that date he had in his possession and did present a valid National Maritime Union (NMU)-MEBA drug screen certificate which was issued by the same organization which would have issued the MEBA-PCD certificate. Baxter asserted that the two certificates were identical, noting that the only difference was that the drug screen certificates were issued on different letterhead. By refusing to accept the NMU-MEBA certificate, he alleged, Dist. #1 PCD/MEBA was discriminating against him for his membership in NMU-MEBA. Mr. Baxter further alleged that he had been informed by WSF that the NMU-MEBA drug screen certificate would have been accepted by the employer had he been referred to them by Dist. #1 PCD/MEBA.

The MEC held a discussion of Mr. Baxter’s unfair labor practice complaint at its December 18, 1992 meeting. Pursuant to that discussion, the Commission determined that the facts, if true and provable, may constitute an unfair labor practice. Chairman Dan E. Boyd was appointed to act as hearing examiner.

After several schedule changes, a pre-hearing conference was held in this matter on May 18, 1993, at which time a hearing date of September 15, 1993 was chosen by the parties. At conference, counsel agreed that the hearing date would accommodate Mr. Baxter’s work schedule, and would allow the parties in MEC Case 7-92, NMU/MEBA v. WSF and Dist.#1 PCD/MEBA, who were then involved in national mediation efforts, to resolve a number of issues which may affect this matter.

On September 10, 1993, the MEC received a telefacsimile from Jeffrey Cowan, attorney for Patrick Baxter. At Complainant Baxter’s request, Mr. Cowan withdrew all charges against respondents WSF and Dist. #1/PCD/MEBA.

Pursuant to the withdrawal of the unfair labor practice complaint by Mr. Cowan on behalf of Patrick Baxter, it is hereby ordered that MEC Case No. 12-92 is dismissed.

DONE this 20th day of September, 1993.

/s/ DONALD E. KOKJER Commissioner

/s/ LOUIS O. STEWART, Commissioner

