

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 13-07

DECISION NO. 514 - MEC

ORDER CLOSING
SETTLED COMPLAINT

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

Robert McKenna, 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 January 2, 2007 when the 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. 13-07.

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 during the course of concerted union activity, i.e., the no overtime campaign, WSF Port Captain McElwaine told four sailors on the Kittitas that they would be terminated if they were found to have "harassed" new hires. IBU asserts that the Port Captain told the four sailors they were not to speak to new hires and not to discuss any union issues while on duty or they would be fired.

Following initial review of the complaint, the Commission determined that the facts alleged in the complaint may constitute an unfair labor practice, if later found to be true and provable. A settlement conference was set for May 1, 2007 with Commissioner John Sullivan assigned to serve as Mediator. Chairman John Swanson was designated to act as Hearing Examiner for the hearing scheduled on June 5, 2007.

The parties resolved this matter during the May 1, 2007 settlement conference with the assistance of Mediator Sullivan. The MEC received the parties' signed agreement on May 3. 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 13-07, is closed in acknowledgement of the parties' settlement agreement.

DATED this 18th day of May 2007.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner

SETTLEMENT AGREEMENT
MEC Case No. 13-07

In Full and Complete Settlement of MEC Case No. 13-07, the Inlandboatmen's Union of the Pacific (IBU) and Washington State Ferries (WSF), hereby agree as follows:

That the events of July 7, 2006 involved no wrongdoing by managers or by IBU-represented employees. However, it cannot be doubted that both managers and employees could benefit from training in how to effectively communicate with one another in a positive, clear, and mutually respectful fashion.

Therefore, WSF and IBU agree to actively pursue and develop training in effective communication for the benefit of WSF managers and IBU-represented employees. The IBU and WSF believe that such training will improve labor-management relations as well as helping all WSF employees to work in a more collaborative and constructive environment. The goal of the parties is to establish a training program within eighteen months from the date of this Settlement Agreement.

Dated this 1st day of May, 2007.

For the Employer: /s/ David J. Slown

For the IBU: /s/ Robert Lavitt