

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION	)	MEC Case No. 13-94
OF THE PACIFIC,	)	
	)	DECISION NO. 129 - MEC
Complainant,	)	
	)	
v.	)	ORDER OF DISMISSAL
	)	
WASHINGTON STATE FERRIES,	)	
	)	
Respondent.	)	
	)	

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THIS MATTER came before the Marine Employees' Commission on October 19, 1994 when the Inlandboatmen's Union of the Pacific filed an unfair labor practice complaint against the Washington State Ferries.

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 WSF refused to provide the IBU with a copy of the personality test and corresponding answer key used by the employer to reject applicants for bargaining unit jobs. The validity of the test is the subject of arbitration proceedings between the parties. IBU maintained in its complaint that the test information was needed to evaluate and argue the grievance. IBU alleged further that it had offered to have the information provided only to an expert hired by IBU to testify in the arbitration proceedings; although information would only be

disclosed to the extent necessary to testify before the arbitrator, WSF refused to provide the information.

The matter was docketed as MEC Case No. 13-94. The Commission later determined pursuant to WAC 315-45-110 that the facts alleged may constitute unfair labor practices if later found to be true and provable. A hearing was scheduled for December 9, 1994 and MEC Chairman Henry L. Chiles, Jr. was appointed to act as hearing examiner. WSF's Answer to the complaint was timely filed.

On December 5, 1994, the Inlandboatmen's Union of the Pacific filed by facsimile a notice of withdrawal of the complaint charged in this matter. Business Agent/Patrolman Dennis Conklin informed MEC that the test information which was the subject of the unfair labor practice charges had been provided to the IBU. MEC received a hard copy of the notice of withdrawal on December 6, 1994.

Based on the information provided by Complainant IBU in its notice of withdrawal, it is hereby ordered that the complaint in MEC Case No. 13-94 is dismissed.

DONE this 12<sup>th</sup> day of December, 1994.

MARINE EMPLOYEES' COMMISSION

/s/ HENRY L. CHILES, JR. Chairman

LOUIS O. STEWART, Commissioner

/s/ JOHN P. SULLIVAN, Commissioner