

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION  
OF THE PACIFIC,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 14-06

DECISION NO. 481 - MEC

ORDER CLOSING  
SETTLED COMPLAINT

*Margaret Pelland*, Business Agent, appearing for the Inlandboatmen's Union of the Pacific.

Rob 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 December 12, 2005 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. 14-06. The IBU amended its complaint on December 13.

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 encouraging or discouraging membership in an employee organization by discrimination in regard to: hiring, tenure, any term or condition of employment.

Specifically, IBU alleged that WSF made a unilateral change in the disciplinary procedure by waiting 69 days after the September 23, 2005 fact-finding meeting with Patricia Snyder, before completing its investigation and notifying her on November 30 of a Loudermill hearing. IBU asserted that this also occurred in the Larkin case, currently before the MEC.

Following initial review of the complaint on February 1, 2006, the MEC requested that IBU clarify its charges in the case. The IBU responded on February 13. Upon review of IBU's response letter, 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 12, 2006 with Chairman John Swanson assigned to serve as Mediator. Commissioner Elizabeth Ford was designated to act as Hearing Examiner for the hearing scheduled on July 26.

The parties resolved this matter during the May 12 settlement conference with the assistance of Mediator Swanson. The MEC received a copy of the parties' agreement on May 16. The signed 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 14-06, is closed in acknowledgement of the parties' settlement agreement.

DATED this 24th day of May 2006.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner

SETTLEMENT AGREEMENT  
MEC Case No. 14-06 (Snyder)

IN FULL AND COMPLETE SETTLEMENT of MEC Case No. 14-06, the parties, IBU and WSF, hereby agree:

1. When WSF conducts a fact-finding meeting with an IBU-represented employee, the employee may expect that the resolution of the matter will take four weeks or less. Resolution means that, if discipline is to be considered, the employee will be notified of the scheduling of the "Loudermill" meeting.
2. WSF agrees to inform employees at fact-finding meetings that they may expect resolution within four weeks, unless an extension is requested of the union.
3. In cases in which more than four weeks are needed to complete an investigation, WSF may request more time by letter to the IBU. Any such request shall not be unreasonably withheld by the IBU.
4. MEC Case No. 14-06 is hereby withdrawn.

For the IBU:  
/s/ Margaret Pelland, IBU  
5/12/06

For WSF:  
/s/ David J. Slown, AAG  
WSBA 24043  
5/12/06