

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION OF
THE PACIFIC,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 16-04

DECISION NO. 379 – MEC

ORDER DISMISSING
ADJUSTED COMPLAINT

Dennis Conklin, Business Agent, appearing for the Inlandboatmen's Union of the Pacific.

Christine Gregoire, 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 August 26, 2003, when Dennis Conklin, 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. 16-04.

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; dominating or interfering with formation or administration of the employee organization; and refusing to bargain collectively with representatives of employees.

Specifically, IBU alleged that WSF issued a Quick Notice on August 25, 2003, which interfered with the right of employees to engage in protected, concerted activities. IBU maintained that the Quick Notice restricted or prohibited employees from posting union information for the organization and protection of their jobs.

Following initial review of the complaint, the Commission determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable. Commissioner John Sullivan was assigned to act as Mediator at a settlement conference scheduled for September 12, 2003. Commissioner John Byrne was designated to act as Hearing Examiner.

The parties reached agreement during the September 12 settlement conference. Commissioner Sullivan forwarded the parties' signed settlement agreement (which includes IBU's withdrawal of the complaint) to the MEC office. That agreement (received September 15) 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 No. 16-04, be dismissed.

DATED this 19th day of September 2003.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

SETTLEMENT AGREEMENT
IBU v. WSF
MEC Case 16-04

In order to resolve the above referenced MEC Case the parties hereby enter into this settlement agreement. Accordingly, the IBU agrees to withdraw the pending charge pursuant to the following:

1. Bulletin Boards: The parties agree that the union has the right to post material on crew or terminal bulletin boards located in non passenger areas, without obtaining approval from WSF management. WSF will insure that employee break areas in terminals and aboard vessels have a union designated bulletin board, or similar union designated location for displaying union bulletins. This provision is not intended to limit management's ability to maintain a safe work environment, free from discrimination and unlawful harassment.
2. Distribution of literature: This settlement affirms the existing right of employees to distribute literature during non-work time. This right is coextensive with that of ferry passengers.
3. Galley Areas: The parties recognize WSF's responsibility for the overall safety and operation of all passenger vessels. This explicitly includes areas operated by outside concessionaries, as well as issues involving concessionary employees. If the conduct of concessionary employees raises concerns with respect to bulletins, bulletin boards, distribution of literature, or other non safety issues, WSF will direct its concerns to the concessionaire's management and notify the IBU as appropriate.
4. This agreement will be circulated as a WSF quick notice within fourteen days from the date of execution.

/s/ Dennis Conklin 9/12/03
For the IBU

/s/ David J. Slown 9/12/03
For the WSF