

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION  
OF THE PACIFIC,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 16-05

DECISION NO. 444 - MEC

ORDER CLOSING  
COMPLAINT

Schwerin, Campbell and Barnard, by *Judith Krebs*, Attorney, 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 October 4, 2004, when Jay Ubelhart, 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. 16-05.

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 unilaterally changed the application of Rule 18, Section 19 of the Code of Conduct, "engaging in conduct off duty while in uniform, that brings discredit on WSF, such as drinking, fighting, stealing or similar conduct."

Following initial review of the complaint, the Commission concluded that IBU's statement of facts seemed to indicate a contract violation rather than an unfair labor practice, and

asked the IBU to clarify the basis for its claim that an unfair labor practice violation had occurred.

On November 18, 2004, IBU Counsel Judith Krebs responded to MEC's request, agreeing that Case 16-05 really is a contract grievance. It was her understanding that the IBU had already filed a grievance on the matter. Therefore, Ms. Krebs withdrew IBU's complaint. The IBU had in fact not filed a grievance on this issue; when contacted, IBU indicated it would be filing one in the near future.

On March 18, 2005, the MEC issued an Order to Show Cause declaring that the Commission would dismiss IBU's complaint, Case 16-05, if the union did not file a grievance on this issue within 14 days.

On March 28, 2005, the IBU filed a request for grievance arbitration (docketed as Case 38-05) on behalf of Jerry Reinhardt and the issue addressed in complaint 16-05.

### **ORDER**

It is hereby ordered that the unfair labor practice complaint, filed by IBU against WSF and docketed as MEC Case 16-05, is closed pursuant to the IBU's withdrawal.

DATED this 25th day of May 2005.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ELIZABETH FORD, Commissioner