

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION	)	MEC Case No. 16-93
OF THE PACIFIC,	)	
	)	DECISION NO. 110-MEC
Complainant,	)	
	)	
v.	)	ORDER DISMISSING
	)	ADJUSTED COMPLAINT
WASHINGTON STATE FERRIES,	)	
	)	
Respondent.	)	
	)	

Schwerin, Burns, Campbell and French, attorneys, by John Burns, appearing for and on behalf of the Inlandboatmen's Union of the Pacific.

Christine Gregoire, Attorney General, by Robert McIntosh, Assistant Attorney General, for and on behalf of Washington State Ferries.

THIS MATTER came before the Marine Employees' Commission on December 20, 1993 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 by (1) interfering with, restraining or coercing employees in the exercise of rights and refusing to bargain collectively with representatives of employees, pursuant to RCW 47.64.130(1)(e) and WAC 316-45-003(1)(e).

Specifically, IBU alleged that

1. WSF had denied IBU's request to negotiate the proper classification of deck and terminal employees, pursuant to Rule 1 of the WSF/IBU collective bargaining agreement;
2. WSF had denied IBU's request to discuss the issue of the number of Relief Employees;
3. WSF had refused repeated requests by the union for lists detailing (a) fleetwide assignments and (b) on-call employees' location and length of assignment; and
4. That by these actions, WSF had rendered meaningless the collective bargaining agreement between the parties and damaged the union's effectiveness in representing its members.

The matter was docketed as MEC Case No. 16-93 and assigned to Chairman Henry L. Chiles, Jr. to act as hearing examiner. After reviewing the charges, Hearing Examiner Chiles determined that the facts, if later found to be true and provable, may constitute an unfair labor practice. A prehearing/settlement conference was scheduled for March 14, 1994.

At the prehearing/settlement conference the parties were able to reach a settlement of the matter. On March 15, 1994 MEC received a letter from John Burns in which he withdrew IBU's complaint and detailed terms of the settlement, a copy of which is attached as a part of this decision.

It is hereby ordered that the adjusted complaint in MEC Case No. 16-93 is dismissed.

DONE this 31st day of March 1994.

MARINE EMPLOYEES' COMMISSION

/s/ HENRY L. CHILES, JR., Chairman

/s/ DONALD E. KOKJER, Commissioner

/s/ LOUIS O. STEWART, Commissioner

SCHWERIN, BURNS, CAMPBELL & FRENCH

2305 THIRD AVE, SUITE 309 SEATTLE, WASHINGTON 98121-1452  
(206) 728-7280 \* Fax (206) 728-9149 \* WASHINGTON TOLL FREE 1-800-238-4231 ((ADVICE))

March 15, 1994

Henry L. Chiles, Jr.  
Chairman  
Marine Employees' Commission  
P.O. Box 40902  
Olympia, Washington 98504-0902

Re: MEC Case No. 16-93  
Our File No. 3026-287

Dear Mr. Chiles:

The parties worked out a settlement of Case No. 16-93 that defers most of it to negotiations with the possibility of refilling in the event that it is not settled. The language in question reads as follows:

The case will be withdrawn pending negotiations with respect to the issue of the number of reliefs. The parties agree to focus on that issue in bargaining. The withdrawal is without prejudice and both parties agree that a refilling (if any) would relate back to December 20, 1993, the date of filing Case No. 16-93.

Both parties signed the agreement. If you need anything more to effectuate the withdrawal, please let me know.

Yours truly,

/s/ Cheryl A. French for John Burns

JB:law  
OPEIU#8, AFL-CIO  
Cc: Dennis Conklin  
Robert McIntosh