

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION)	MEC Case No. 16-97
OF THE PACIFIC,)	
)	DECISION NO. 189 - MEC
Complainant,)	
)	
v.)	ORDER DISMISSING
)	ADJUSTED COMPLAINT
WASHINGTON STATE FERRIES,)	
)	
Respondent.)	
_____)	

THIS MATTER came before the Marine Employees' Commission (MEC) on May 8, 1997 when the Inlandboatmen's Union of the Pacific (IBU) filed an unfair labor practice complaint against the Washington State Ferries (WSF).

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 the representative of employees.

IBU alleged that WSF committed an unfair labor practice by unilaterally refusing to reasonable protect the health and safety of its employees. IBU asserted that employees assigned to the wheel house are subjected to constant engine noise resulting in hearing damage. The union contended that periodic interruption of the noise by disengaging the high speed shaft would reduce that damage. WSF refused to disengage the shaft while the ferry sits idle at the dock.

Upon review, the MEC determined that the facts alleged, if later found to be true and provable, may constitute an unfair labor practice. Chairman Henry L. Chiles, Jr. was appointed to act as hearing examiner, pursuant to WAC 316-45-130. A settlement conference was conducted on June 26, 1997. A hearing was scheduled for October 28 and 29, 1997, but later rescheduled for December 15 and 16, 1997, at IBU's request. WSF filed its answer to the complaint on October 14, 1997.

By telephone on December 10, 1997, IBU counsel Michelle Mentzer notified MEC staff that the parties had reached agreement on this issue and asked that the hearing be cancelled. By letter on December 12, 1997, Ms. Mentzer withdrew the complaint. A copy of the WSF Fleet Advisory which settled this matter is attached hereto.

ORDER

It is hereby ordered that the unfair labor practice complaint, filed by IBU against WSF and docketed as MEC Case No. 16-97, is dismissed.

DATED this 30th day of December 1997.

MARINE EMPLOYEES' COMMISSION

/s/ HENRY L. CHILES, JR. Chairman

/s/ JOHN P. SULLIVAN, Commissioner

/s/ DAVID E. WILLIAMS, Commissioner

Washington

State Ferries

Fleet Advisory

Subject: Vessel Operations (Revision)

Control#

FA3397a

Effective Date:

December 10, 1997

To:

Masters, Mates, and Engineers of
Issaquah Class Ferries

From:

Joe Nortz, Director of Operations

Posting Requirements:

Current Locations for Employees

This fleet advisory is to restate the existing practice in the WSF system concerning disengagement of the high speed shaft on Issaquah Class Vessels.

Operation of the vessel in the Split Mode (with the high speed shaft disengaged) is described in the **MASTERS AND MATES MANUAL AND OPERATING INSTRUCTIONS FOR ISSAQUAH CLASS VESSELS.**

The Master, as always, will weigh all relevant factors in arriving at a decision in this matter. These factors include (**not listed in order of importance**):

1. Operational, weather and sea conditions.
2. The advice of the Chief Engineer concerning any safety risks inherent in disengaging the shaft.
3. Noise reduction considerations.
4. The current material condition of the vessel and its machinery.
5. The additional wear and tear on equipment induced by the higher duty cycles.
6. Any other circumstances that may enter into the decision of operating with or without the high speed shaft.

Expiration Date: 12/31/97