

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION OF THE)	MEC Case No. 16-99
)	
PACIFIC,)	DECISION NO. 235-MEC
)	
Complainant,)	
)	
v.)	ORDER DISMISSING
)	ADJUSTED COMPLAINT
WASHINGTON STATE FERRIES,)	
)	
Respondent)	
)	
)	

Pete Jones, Regional Director, appearing for and on behalf of the Inlandboatmen’s Union of the Pacific.

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

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on October 26, 1999, when the Inlandboatmen’s Union of the Pacific (IBU) filed an unfair labor practice 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(a) by refusing to bargain collectively with representatives of employees.

IBU alleged that WSF unilaterally changed IBU-represented employees’ terms and conditions of employment by requiring Deckhands to share the “Dog House” on the Kaleetan with wheelchair bound passengers and to deliver coffee to those passengers on the car deck. The “Dog House” is a room on the car deck used in the past for Deckhand breaks and storage of certain equipment.

IBU asserted that it demanded to bargain the issue, but received no response from WSF, when on October 13, 1999, the change was implemented.

Following review, the Marine Employees' Commission determined that the facts alleged may constitute unfair labor practices, if later found to be true and provable. Commissioner David E. Williams was appointed to act as hearing examiner. A settlement conference was scheduled for December 21, 1999; a prehearing conference for January 13, 2000, and the hearing for January 20, 2000.

Commissioner John Sullivan conducted the settlement conference on December 21, 1999; however, the matter was not resolved. IBU and WSF met twice on their own to discuss settlement, as well. The parties requested and were granted several continuances of the prehearing and hearing. At the parties' request, proceedings were delayed waiting for the Legislature to adjourn, at which time they would have budget information (related to Initiative 695) which might impact resolution of this matter.

The parties eventually came to the conclusion that a prehearing was not necessary in this case and the hearing was ultimately rescheduled for May 22, 2000.

The 2nd Special Session of the Legislature adjourned on April 27, 2000. Shortly thereafter, WSF contacted IBU to schedule an additional meeting to discuss settlement. By telephone on May 17, 2000, AAG David Slown notified the MEC that the parties reached resolution of this issue when they met on May 15, 2000.

Mr. Slown provided the MEC with a copy of the signed agreement at the agency's monthly meeting on May 19, 2000. The signed settlement, appended hereto, includes a statement withdrawing MEC Case No. 16-99.

ORDER

It is hereby ordered that the unfair labor practice complaint, filed by IBU against WSF and docketed as MEC Case No. 16-99, be dismissed.

DATED this 6th day of May 2000.

MARINE EMPLOYEES' COMMISSION

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

/s/ JOHN P. SULLIVAN, Commissioner

/s/ DAVID E. WILLIAMS, Commissioner

SETTLEMENT AGREEMENT
Between
WASHINGTON STATE FERRIES
And
THE INLANDBOATMEN'S UNION OF THE PACIFIC
Puget Sound Region

MEC Case No 16-99

In full and complete settlement of MEC Case No 16-99, the parties, Washington State Ferries (Washington State Ferries) and the Inlandboatmen's Union of the Pacific (IBU), hereby mutually agree as follows:

Washington State Ferries agrees:

1. On the vessels Kaleetan and Yakima, to construct, on the main passenger deck, a crew shelter. Said shelter shall have lockers, a refrigerator, a microwave, and a sink, as well as a table and chairs, and shall be located in an area currently occupied by the dumbwaiter and two adjacent seating booths. As shown in photos of exhibit (A).
2. On the Kaleetan, construction of the crew shelter shall be completed no later than June 30, 2001. If construction cannot be completed by February 28, 2001, Washington State Ferries shall so notify the IBU prior to February 28, 2001. On the Yakima, construction shall be scheduled at the earliest time practical, consistent with shipyard availability periods. The IBU shall be advised of the crew shelter construction period on the Yakima when established.
3. Washington State Ferries will not make any changes to the existing configuration and use of the Deck Department stores room on the car deck in the center island area (previously known as the Crew's Head) without first notifying the IBU and discussing the proposed changes.

The IBU agrees:

1. To withdraw MEC Case No 16-99. A signed copy of this agreement shall constitute a request for withdrawal.

/s/ Dennis Conklin 5/15/00
/s/ Pete Jones 5/15/00
For the IBU

/s/ Michael Manning 5/15/00
/s/ David J. Slown, AAG 5/15/00
For WSF