

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION  
OF THE PACIFIC,

Complainant,

v.

WASHINGTON STATE DEPARTMENT  
OF TRANSPORTATION, FERRIES  
DIVISION,

Respondent.

MEC CASE NO. 17-05

DECISION NO. 548 - MEC

ORDER CLOSING  
WITHDRAWN COMPLAINT

Schwerin, Campbell, Barnard and Iglitzin by *Robert Lavitt*, Attorney, appearing for the Inlandboatmen's Union of the Pacific (IBU).

Robert McKenna, Attorney General, by *David Slown*, Assistant Attorney General, appearing for Washington State Department of Transportation, Ferries Division (WSF).

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on October 4, 2004 when the Inlandboatmen's Union of the Pacific filed an unfair labor practice complaint against Washington State Ferries, MEC Case 17-05. The 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, the IBU alleged that WSF changed employees' working conditions on vessel #4 of the Anacortes run, when it required crew members to start their shift in Friday Harbor, but tie-up in Anacortes (split port). IBU maintained that the change in home terminal required a system-wide bid by classification, pursuant to the parties' Memorandum of Understanding altering language in Rule 1.04 of the contract.

ORDER CLOSING  
WITHDRAWN COMPLAINT

On October 21, 2004, the MEC asked IBU to clarify the basis for the charge in Case 17-05 or withdraw and refile as a grievance. IBU Counsel was under the impression that a grievance had also been filed on this issue, but MEC had not received one. On March 18, 2005, MEC issued an Order to Show Cause giving IBU a deadline for filing a grievance on the issue. On March 28, IBU filed a request for grievance arbitration in response. Following review of both cases, the Commission deferred to arbitration, holding the complaint, Case 17-05, in abeyance until resolution of the grievance, Case 39-05.

On January 25, 2008, the Commission issued Decision and Award, Decision No. 537-MEC, concluding the grievance—Case 39-05. By letter on August 5, Margaret Pelland, IBU Business Agent, confirmed that the award in Case 39-05 had been paid and withdrew IBU's complaint, Case 17-05.

### **ORDER**

It is hereby ordered that the unfair labor practice complaint, filed by IBU against WSF and docketed as MEC Case 17-05, is closed in acknowledgment of IBU's withdrawal.

DATED this 20th day of August 2008.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

JOHN SULLIVAN, Commissioner

/s/ PATRICIA WARREN, Commissioner