

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 18-04

DECISION NO. 493 - MEC

ORDER CLOSING
SETTLED COMPLAINT

Schwerin, Campbell & Barnard by *Robert Lavitt*, 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 September 24, 2003 when the Inlandboatmen's Union of the Pacific (IBU) filed an unfair labor practice complaint, MEC Case No. 18-04, 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 representatives of employees.

Specifically, IBU alleged that WSF unilaterally altered the scope of the IBU's bargaining unit by assigning work formerly performed by IBU members (for 40 to 50 years) to employees outside the bargaining unit, without bargaining the issue with the union. The IBU asserted that on June 7 and 8, 2003 WSF assigned non-union workers (Pete Jones, Nick Haffie, Mel Esmore, Hal Rude) to perform sea trials for the ISSAQUAH; and on September 3, 2003 assigned non-

union workers (Rich Peters, Mel Esmore, Nick Haffie, Pete Jones) to perform sea trials for the SEALTH.

Following review the Commission determined that the facts alleged in the complaint may constitute an unfair labor practice, if later found to be true and provable. A settlement conference was set for November 20, 2003 with Chairman John Swanson assigned to serve as Mediator. Commissioner John Byrne was designated to act as Hearing Examiner for a hearing scheduled on January 20, 2004.

The parties participated in settlement discussions on November 20, as scheduled, and subsequently requested that the January 20 hearing date be converted to another settlement conference. The matter was not resolved during that second conference; a hearing date was rescheduled for July 22, 2004.

Early in July, the parties requested the case be held in abeyance pending issuance of an arbitration award in a MM&P case, which also involved sea trials; the July 22 hearing was cancelled. The MM&P award issued in October. Thereafter, the MEC scheduled another settlement conference for Case 18-04 on January 10, 2005. The parties later agreed to meet on that date and attempt to resolve the matter without the mediator present; however, the meeting was cancelled.

Due to the demands of contract negotiations, the IBU and WSF had little time to work on the issue. In late June 2006, the parties reported they had reached a tentative agreement. During MEC's September 29, 2006 public meeting, AAG Slown reported the case settled. He noted the parties agreed that WSF would provide payment documentation to IBU Counsel, after which the IBU would withdraw its complaint.

On October 10, 2006 AAG David Slown provided IBU Counsel Robert Lavitt with authorized pay orders for the twelve affected employees. By letter dated October 12, 2006, Attorney Robert Lavitt withdrew the complaint on behalf of the IBU.

ORDER

It is hereby ordered that the unfair labor practice complaint, filed by IBU against WSF and docketed as MEC Case 18-04, is closed in acknowledgement of the parties' settlement.

DATED this 8th day of December 2006.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner