

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION)	MEC Case No. 18-96
OF THE PACIFIC,)	
)	DECISION NO. 168-MEC
Complainant,)	
)	
v.)	ORDER DISMISSING
)	ADJUSTED COMPLAINT
WASHINGTON STATE FERRIES,)	
)	
Respondent.)	
_____)	

THIS MATTER came before the Marine Employees' Commission on December 2, 1996, 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 by refusing to bargain with the Union.

IBU alleged that WSF unilaterally altered the terms and conditions of employment, and interfered with the administration of the contract and with the employees' and Union's rights when it violated the parties' agreement of a five-day notice of predisciplinary meetings and the provision of information prior to predisciplinary meetings in relation to the discipline of Stacy Peabody. IBU further charged WSF with violating its general obligation to provide information necessary for an employee to respond to charges for which discipline is being considered.

ORDER DISMISSING
ADJUSTED COMPLAINT - 1

The matter was docketed as MEC Case No. 18-96. Letters acknowledging receipt of the ULP complaint were sent to the parties. Pursuant to WAC 316-45-110, the MEC determined that the facts alleged may constitute an unfair labor practice if later found to be true and provable. Commissioner David E. Williams was appointed as hearing examiner.

A prehearing/settlement conference was convened on February 14, 1997. The hearing was scheduled for March 18, 1997; however, on March 14, 1997, WSF requested a continuance to further facilitate settlement negotiations. Examiner Williams continued the hearing to April 1, 1997. WSF requested a second continuance on March 28, 1997; IBU objected; Examiner Williams denied the request. The parties met on April 1, 1997 and settled the matter prior to convening the hearing.

On June 3, 1997, MEC received IBU's letter withdrawing the complaint. A copy of the parties' settlement agreement is appended hereto and included in this Order by reference.

//

//

//

//

//

//

ORDER

It is hereby ordered that the unfair labor practice complaint, filed by IBU against WSF and docketed as MEC Case No. 18-96, is dismissed.

DATED this 10th day of June 1997.

MARINE EMPLOYEES' COMMISSION

/s/ HENRY L. CHILES, JR. Chairman

/s/ JOHN P. SULLIVAN, Commissioner

/s/ DAVID E. WILLIAMS, Commissioner

DRAFT 3/22/97

**SETTLEMENT BETWEEN THE WASHINGTON STATE FERRY SYSTEM AND THE
INLANDBOATMEN'S UNION OF THE PACIFIC**

The WASHINGTON STATE FERRY SYSTEM ("WSF") and the INLANDBOATMEN'S UNION OF THE PACIFIC ("IBU") agree to the following terms in settlement of the MEC Case No. 18-96:

1. Stacy Peabody acknowledges that she understands that the Captain commands the vessel and that she is to follow the Captain's instructions at all times.

2. The disciplinary suspension imposed on October 29, 1996 is hereby reduced to a 3-day suspension for failure to perform assigned duties. Loss of salary, benefits or seniority, if any, resulting from the previous disciplinary action shall be corrected upon withdrawal of this action to reflect a 3-day suspension period.

3. The disciplinary letter dated October 29, 1996 shall be removed from her personnel file on May 1, 1997, providing there are no disciplinary actions imposed by WSF between the settlement date of this agreement and May 1, 1997.

7. In reaching this agreement, WSF admits no wrongdoing, liability or establishment of precedent for future disciplinary actions, but is entered into to avoid the expense of litigation.

/s/ Jim Yearby	3/25/97	/s/ Dennis Conklin	4/1/97
WASHINGTON STATE FERRY SYSTEMS	Date	INLANDBOATMEN'S UNION OF THE PACIFIC	Date

/s/ Stacey E. Peabody	4/1/97
STACY PEABODY	Date