

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

DISTRICT NO. 1, MARINE
ENGINEERS' BENEFICIAL
ASSOCIATION and
INLANDBOATMEN'S UNION
OF THE PACIFIC,

Complainants,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 2-04

DECISION NO. 389 - MEC

ORDER CLOSING
SETTLED COMPLAINT

Mario Micomonaco, Union Representative, appearing for District No. 1, Marine Engineers' Beneficial Association.

Dennis Conklin, Business Agent, appearing for the Inlandboatmen's Union of the Pacific.

Christine Gregoire, Attorney General, by *David Slown*, Assistant Attorney General, appearing for Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on July 11, 2003, when District No. 1, Marine Engineers' Beneficial Association (MEBA) and the Inlandboatmen's Union of the Pacific (IBU) filed an unfair labor practice complaint against the Washington State Ferries (WSF). The matter was docketed as MEC Case No. 2-04.

The complaint, filed by MEBA and IBU, 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; dominating or interfering with the formation or administration of an employee organization; and refusing to bargain collectively with representatives of employees.

Specifically, MEBA and IBU alleged that WSF unilaterally changed policy without negotiating with either Union, when it implemented a new policy on June 4, 2003, requiring engine room employees (MEBA members) to perform work on the docks that terminal employees (IBU members) have been doing for years. Complainants charged that WSF's action was in direct violation of both Union contracts, and therefore interfered with the Unions' ability to represent members and with members' right to engage in collective bargaining.

Following initial review of the complaint, the Commission determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable.

Commissioner John Sullivan was assigned to act as Mediator at a settlement conference scheduled for September 15, 2003. Commissioner John Byrne was designated to act as Hearing Examiner at the hearing scheduled for October 30, 2003.

During the September 15 conference, the parties signed an Interim Agreement, providing for further discussion aimed at resolving the matter. WSF filed its Answer to the Complaint on October 21, 2003.

Following discussion during MEC's October 24, 2003 public meeting, the Commission converted the scheduled October 30 hearing date to an additional settlement conference with Chairman John Swanson serving as Mediator. The parties reached agreement on October 30, 2003. Chairman Swanson forwarded the parties' signed settlement agreement to the MEC office (received November 4). The agreement constitutes MEBA's and IBU's request for withdrawal of the complaint. The signed agreement is appended to and becomes a part of this Order by reference.

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ORDER

It is hereby ordered that the unfair labor practice complaint, filed by District No. 1, Marine Engineers' Beneficial Association and the Inlandboatmen's Union of the Pacific and docketed as MEC Case 2-04, is closed in acknowledgement of the parties' settlement agreement.

DATED this 12th day of November 2003.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

**Subject: Security Gates at Pt.
Townsend and Tahlequah
Update**

Document #
FA00XX03

Effective Date: October 29, 2003

To: All Terminal/Vessel Staff – Port Townsend &
Tahlequah

From: Capt. Kelly Mitchell
North Region Port Captain

Traci Brewer-Rogstad
Terminal Operations Manager

Posting Requirements: Fleet Advisory Manual/Clipboard*

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WSF has reviewed the procedures concerning the Security Gates at Port Townsend and Tahlequah. Effective immediately the engine department will only man the “man “ gate or security in emergency situations, as determined by the WSF Watch Center Supervisor, which may include vendors and crew members. The watch center will call the vessel engine room to inform them that they need their assistance in opening the security gate.

At Port Townsend, WSF has asked the newspaper vendor to not deliver prior to the normal operating date on that route. Currently there is no galley serve on the Port Townsend route, so no request for opening the man gate for galley workers will be necessary.

At Tahlequah, WSF has asked the newspaper vendor to not deliver prior to the normal operating day on that route.

*Additional copies for posing may be photocopied or requested from Document Control (Ext. 3415)

EXHIBIT A