

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 2-06

DECISION NO. 469 - MEC

ORDER CLOSING
SETTLED COMPLAINT

Margaret Pelland, Business Agent, 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 July 14, 2005, when 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. 2-06.

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 changed its requirement for sick leave use in violation of MEC Decision No. 223. The union asserted that about spring of 2005, WSF began requiring employees calling in sick for five days or less, to get a doctor's note before returning to work.

Following review of the IBU's complaint, the MEC determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable. A settlement conference

set for November 10, 2005 was continued twice due to schedule conflicts. Chairman John was designated to act as Hearing Examiner for the hearing scheduled on January 9, 2006. The January 9 hearing date was ultimately converted to a settlement conference, during which the parties reached agreement on this matter with the assistance of Mediator Elizabeth Ford.

The MEC received a copy of the parties' agreement on January 11, 2006. The signed agreement is appended to and becomes a part of this Order by reference. During MEC's January 27 public meeting, IBU Business Agent Margaret Pelland verbally withdrew IBU's complaint, effective immediately.

ORDER

It is hereby ordered that the unfair labor practice complaint, filed by the IBU against WSF and docketed as MEC Case 2-06, is closed in acknowledgement of the parties' settlement agreement.

DATED this 24th day of February 2006.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner

**Settlement Agreement
MEC Case No. 2-06**

1. The WSF agrees to post the attached notice at Coleman Dock. The WSF agrees to post the first paragraph and MEC Dec. 223 fleet-wide.
2. The WSF will provide its Terminal Supervisors with MEC Dec. 223.
3. The WSF will address within 60 days all grievances on file pertaining to being required by WSF to provide doctor's note.
4. The IBU agrees to withdraw MEC Case No. 2-06.

Dated Jan. 9, 2006

/s/ Dennis Conklin
/s/ Margaret Pelland
For IBU

/s/ Michael Manning

For WSF

Attachment

1. Rule 23.10 allows WSF at its option to request a verifying statement from an employee's doctors for leave claims of 5 working days or less. However, such request must be made on an individual basis for a good faith reason and may not be made as a blanket policy. See MEC Dec. 223, attached.
2. Because a notice posted at Coleman Dock in the Spring of 2005 was such a blanket policy, employees who incurred out-of-pocket costs of doctor's visits made in order to comply with the notice will be reimbursed for such costs. Employees incurring such costs should submit a claim within 60 days supported by a receipt or other documentation to Steve Rogers.