

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. 2-09

DECISION NO. 575 - MEC

ORDER CLOSING
SETTLED COMPLAINT

Schwerin, Campbell, Barnard, Iglitzin and Lavitt, 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 September 3, 2008, when the Inlandboatmen's Union filed an unfair labor practice complaint, MEC Case No. 2-09, against the Washington State Department of Transportation, Ferries Division.

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 collectively with representatives of employees. Specifically, IBU alleged that WSF unilaterally, and without bargaining with the union, filled an able bodied seaman position on the South Sound Relief Watch with Mike Wistrand, who is a retiree, not a current IBU member.

Following review of the IBU's complaint, the Commission determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable. Chairman John Swanson was assigned as Mediator for the settlement conference scheduled on November 13, 2008. Commissioner Patricia Warren was designated to act as Hearing Examiner and a hearing scheduled for January 29, 2009.

Due to a conflict for Chairman Swanson, the November 13, 2008 settlement conference was rescheduled for December 12. The parties made progress toward resolution and requested the January 29, 2009 hearing date be converted to a second settlement. Following the second conference, IBU and WSF continued discussions, as time allowed.

During MEC's December 4, 2009 public meeting, IBU Business Agent Jay Ubelhart reported that the parties have settled the complaint. The IBU submitted a formal withdrawal of Case 2-09 to the MEC that same day.

ORDER

It is hereby ordered that the unfair labor practice complaint, filed by IBU against WSF and docketed as MEC Case 2-09, is closed in acknowledgement of the parties' agreement.

DATED this 30th day of December 2009.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ PATRICIA WARREN, Commissioner

/s/ JOHN COX, Commissioner