

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. 2-10

DECISION NO. 592 - MEC

ORDER CLOSING
WITHDRAWN COMPLAINT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 October 2, 2009, when the Inlandboatmen's Union filed an unfair labor practice complaint, MEC Case 2-10, 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 dominating or interfering with the formation or administration of an employee organization; encouraging or discouraging membership in an employee organization by discrimination in regard to: hiring, tenure, or any term or condition of employment; and by refusing to bargain collectively with representatives of employees.

Specifically, IBU alleged that WSF implemented a new policy and procedure covering employees' accumulation of compensatory time for holidays and overtime (Rules 10 and 24) without negotiating with the Union.

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 designated to serve as Mediator and a settlement conference scheduled for

January 19, 2010. Commissioner Patricia Warren was assigned as Hearing Examiner; the hearing was scheduled for February 16.

The parties engaged in settlement discussion on January 19, but were unable to resolve the matter. At the Union's request, the February 16, 2010 hearing was cancelled in order to use the date for a hearing in another case. The MEC rescheduled the hearing to occur on June 24, 2010. Commissioner John Cox was substituted as Hearing Examiner for Case 2-10. Due to an unavoidable conflict that arose for two IBU witnesses, the June 24 hearing was cancelled and continued to December 6.

By letter dated October 7, 2010, IBU Counsel Robert Lavitt withdrew the complaint, indicating that the matter was resolved by the 2011-2013 interest arbitration award.

ORDER

It is hereby ordered that the unfair labor practice complaint, filed by IBU against WSF and docketed as MEC Case 2-10, is closed in acknowledgement of IBU's withdrawal of the complaint.

DATED this 22nd day of October 2010.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ PATRICIA WARREN, Commissioner

/s/ JOHN COX, Commissioner