STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION OF
THE PACIFIC,
 	
          Complainant,
 	
    v.
 	
WASHINGTON STATE FERRIES,
 	
          Respondent.
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		MEC Case No. 2-98
		
		DECISION NO. 203-MEC
		
		ORDER DISMISSING
		ADJUSTED COMPLAINT

Elizabeth Ford, attorney at law, appearing for and on behalf of the Inlandboatmen's Union of the Pacific.

Christine Gregoire, Attorney General, by David Slown, Assistant Attorney General, for and on behalf of Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on February 19, 1998, when the Inlandboatmen's Union of the Pacific (IBU) filed an unfair labor practice against the Washington State Ferries (WSF). At the request of the MEC for additional facts, the IBU amended its complaint on March 31, 1998. IBU's complaint charged WSF with engaging in unfair labor practices within the meaning of RCW 47.64.130 by: (1) interfering with, restraining or coercing employees in the exercise of rights; and (2) refusing to bargain collectively with representatives of employees.

Specifically, the IBU alleged that by refusing to bid "free days" in order of seniority, as agreed in a June 1997 Memorandum of Understanding between the parties regarding the assignment of "free days" to on-call and Relief employees at the ferry system, the WSF unilaterally changed the terms and conditions of employment

Following review, the Marine Employees' Commission determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable. Chairman Henry L.

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Chiles, Jr. was appointed to act as hearing examiner. A settlement conference was scheduled for May 28, 1998; a prehearing conference for July 7, 1998; and the hearing for July 22, 1998. The Washington State Ferries timely filed an Answer on July 10, 1998.

The prehearing conference was continued to August 24, 1998. On that date, the parties reached agreement on the matters in dispute. A copy of the parties' handwritten settlement agreement is attached to this Order.

On October 20, 1998, the Inlandboatmen's Union notified the MEC that the parties had reached a satisfactory settlement in the matter, and that the unfair labor practice charge filed as MEC Case No. 2-98 was withdrawn by the Union.

ORDER

It is hereby ordered that the unfair labor practice complaint, filed by IBU against WSF and docketed as MEC Case No. 2-98, be dismissed.

DATED this 23rd day of October, 1998.

MARINE EMPLOYEES' COMMISSION

JOHN P. SULLIVAN, Commissioner

DAVID E. WILLIAMS, Commissioner

SETTLEMENT AGREEMENT

In settlement of MEC Case No. 2-98 the Inlandboatmen's Union of the Pacific ("Union") and the Washington State Ferries ("WSF") agree as follows:

1. The WSF will increase the number of "free days" available for AB Relief employees pursuant to the parties' Memorandum of Understanding dated June 20, 1997 as follows:
   a. The total number of free days available for Relief employees on Sunday/Monday of the first week, Saturday/Sunday of the first/second week and Friday/Saturday of the second week will be 20.

      Those free days will be divided between the three combinations of days identified above by assigning a maximum of seven to two of the three combinations and six to the other.

2. Prior to the mailing of bid form the IBU Patrolman or designee and Kathleen Flynn or designee shall meet and agree on the assignment of free days to each combination. The assignment shall be based on the bids from the previous bid. For the August 1998 bid, Ms. Flynn and Mr. Conklin will meet as soon as possible to decide the assignment.

4. The Union and WSF agree that the WSF may continue present practices with regard to Bids including for free days treating on-call and Relief employees separately, to the purpose of bidding for free days. This agreement applies only to the Memorandum of Understanding regarding Free days dated June 20, 1997.

5. In exchange for the above, the Union agrees to withdraw MEC Case No. 2-98.

/s/   DWC/EL   DJS
For the Unions   For WSF

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