

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION OF THE)	MEC Case No. 2-99
PACIFIC,)	
)	DECISION NO. 228 – MEC
Complainant,)	
)	ORDER DISMISSING
v.)	ADJUSTED COMPLAINT
WASHINGTON STATE FERRIES,)	
)	
Respondent.)	
)	

Robert Lavitt and Elizabeth Ford, attorneys 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 25, 1999, when the Inlandboatmen's Union of the Pacific (IBU) filed an unfair labor practice against the Washington State Ferries (WSF). IBU's complaint charged WSF with engaging in unfair labor practices within the meaning of RCW 47.64.130 by refusing to bargain collectively with representatives of employees.

IBU alleged that WSF 1) discontinued its practice of offering necessary training for deck employees assigned to Anacortes; and 2) unilaterally created the position of "Day Man" on the Anacortes to Sydney route, thereby eliminating existing positions.

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.

ORDER DISMISSING
ADJUSTED COMPLAINT - 1

Chiles, Jr. was assigned to act as Hearing Examiner. Commissioner John P. Sullivan was appointed to convene a settlement conference.

Commissioner John Sullivan conducted a settlement conference on March 23, 1999 which did not result in resolution of these matters. The parties met for continued settlement negotiations on April 13, 1999, at which time they produced a written agreement specifying steps they would take to reach a full resolution of the two issues. A copy of the settlement agreement is appended to and included in this Order by reference. Chairman Chiles agreed to strike the May 10, 1999 hearing.

IBU had not withdrawn either of the issues in its complaint, when on October 22, 1999, it requested that the MEC schedule a hearing on the “Day Man” issue as soon as possible, alleging that WSF had refused to negotiate. MEC staff scheduled a hearing on this issue for February 7, 2000, the earliest date both parties were available.

On January 19, 2000, WSF filed its Answer to the Complaint, Motion to Dismiss “Day Man” Portion of the Complaint and Motion to Make Complaint More Definite and Certain regarding the STCW Training issue.

On January 31, 2000, IBU counsel, Robert Lavitt, filed a response to the STCW Training issue, stating “The Parties have in fact resolved this issue pursuant to this written agreement. Therefore, the IBU formally withdraws the training portion of the Complaint.”

On February 3, 2000, Robert Lavitt withdrew the “Day Man” portion of the complaint citing the provision of the settlement agreement in the event impasse is reached on the “Day Man” issue. Mr. Lavitt noted in his withdrawal that “WSF acknowledges in its Answer in this matter that interest arbitration is the appropriate remedy for resolving disputes on this issue.”

The February 7, 2000 hearing date was cancelled.

ORDER

Based on Complainant IBU's formal withdrawal of both the STCW Training issue and the "Day Man" issue, it is hereby ordered that the unfair labor practice complaint, filed by IBU against WSF and docketed as MEC Case No. 2-99, be dismissed.

DATED this 9th day of February 2000.

MARINE EMPLOYEES' COMMISSION

/s/ HENRY L. CHILES, JR., Chairman

/s/ JOHN P. SULLIVAN, Commissioner

In settlement of MEC 2-99 the IBU and the WSF agree as follows:

1. The WSF will agree to bargain over the effects of the creation of the "Day Man" position on the Anacortes to Sydney run. Effects bargaining shall include but not be limited to wages, safety and other conditions of employment. For purposes of the 1999-2001 biennial agreement, collective bargaining on this issue shall be considered separate from the open contractual issues but shall be interest arbitrated at the same time as those issues, if necessary. Negotiations over this issue will begin May 4, 1999 and will end June 29, 1999 unless both parties agree otherwise. If the parties reach impasse on the "Day Man" issues, arbitration on those issues shall be deferred until interest arbitration on the main contract or until the agreed contract is ratified.
2. The WSF and the IBU will meet on or about April 20, 1999 and will resolve the issue of training for relief and other employees working on international runs. In exchange, the parties will strike the May 10, 1999 hearing date and the IBU will withdraw MEC case 2-99 if the parties come to a resolution on the training issue.

Dated 4/13/99

/s/ Dennis Conklin
For the IBU

/s/ Michael Manning
For the WSF