

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION OF THE  
PACIFIC,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 20-00

DECISION NO. 294 – MEC

ORDER DISMISSING  
ADJUSTED COMPLAINT

*Dennis Conklin*, Business Agent, 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 July 28, 2000, when Dennis Conklin, Inlandboatmen's Union of the Pacific (IBU), filed an unfair labor practice complaint 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(1) by interfering with, restraining or coercing employees in the exercise of rights; discharging or otherwise discriminating against an employee after employee has filed charges or given testimony concerning subjects covered by chapter 47.64 RCW; and refusing to bargain collectively with representatives of employees.

Specifically, IBU charged that WSF committed an unfair labor practice by unilaterally refusing to reasonably protect the health and safety of WSF employees. IBU asserted that the employees assigned to all terminals, vessels, shore gangs and, more specifically the Edmonds Terminal, were subjected to breathing air-borne spore droplets of pigeons, starlings and seagulls. IBU further claimed that on some days the ammonia was so strong that many employees complained of burning eyes, sore throat, running nose and nausea, which further caused employees respiratory problems, severe headaches and dizziness.

The matter was docketed as MEC Case No. 20-00 and forwarded to the Commissioners for initial review. The Commission determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable.

On November 3, 2000, IBU and WSF joined Commissioner Sullivan, to participate in a settlement conference; however, no settlement ensued. WSF counsel was reluctant to proceed with settlement efforts, as an employee with a civil suit pending against WSF, related to this case, was present. In addition, WSF was in the process of appealing a related Labor and Industries finding. MEC agreed, at the parties' request, to hold the case in abeyance until notified that it was appropriate to proceed with settlement or hearing.

IBU or WSF continued to update the status of this matter at the Commission's monthly meetings. Finally, on July 27, 2001, AAG David Slown reported that the civil suit had been resolved. The MEC rescheduled the settlement conference for November 20, 2001. On that date, the parties fully resolved the issue. Commissioner Sullivan forwarded the parties' signed settlement agreement to the MEC office (received on November 26, 2001). That agreement constitutes a request for withdrawal of the complaint. It is appended to and becomes a part of this Order by reference.

#### ORDER

It is hereby ordered that the unfair labor practice complaint, filed by IBU against WSF and docketed as MEC Case No. 20-00, be dismissed.

DATED this 5th day of December 2001.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

**SETTLEMENT AGREEMENT  
BETWEEN  
WASHINGTON STATE FERRIES SYSTEM  
AND  
INLANDBOATMEN'S UNION OF THE PACIFIC  
(MARINE DIVISION OF THE INTERNATIONAL LONGSHORE AND WAREHOUSE UNION)**

**IN FULL AND COMPLETE SETTLEMENT OF MEC CASE NO. 20-00, THE PARTIES  
WSF AND IBU AGREE AS FOLLOWS:**

1. Safety of employees is a matter of concern of both WSF and the IBU.
2. Employees may report unsafe conditions or practices via the Safety Management System (SMS), or via the Labor Management Committee, pursuant to Rule 17 of the Collective Bargaining Agreement.
3. Certain safety-related concerns are properly the subjects of discussion between Labor and Management Representatives. The Labor Management Committee, provided for in Rule 17 of the parties' Collective Bargaining Agreement, is an appropriate forum for such discussions.
4. The parties agree to a meeting of the Labor Management Committee, as per Rule 17, on January 25, 2002, at 1:30 P.M. at WSF's offices at 2911-2<sup>nd</sup> Ave. A Safety Department Representative will attend this meeting.
5. By copy of this agreement, the IBU withdraws MEC Case No.20-00.

Signed this 20<sup>th</sup> day of November, 2001.

WASHINGTON STATE FERRIES  
SYSTEM

/s/ Michael Manning  
Labor Relations Manager

INLANDBOATMEN'S UNION OF  
THE PACIFIC, MARINE DIVISION  
OF THE INTERNATIONAL  
LONGSHORE AND WAREHOUSE  
UNION

/s/ Dennis W. Conklin  
Passenger Industry Business Agent/PSR