

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION OF	)	
THE PACIFIC,	)	MEC Case No. 23-00
	)	
Complainant,	)	DECISION NO. 257 – MEC
v.	)	
	)	
WASHINGTON STATE FERRIES,	)	ORDER DISMISSING
	)	ADJUSTED COMPLAINT
	)	
Respondent.	)	

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Schwerin, Campbell and Barnard, attorneys, by Elizabeth Ford, 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 August 1, 2000, when Dennis Conklin, Business Agent for the 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; and refusing to bargain collectively with representatives of employees.

Specifically, IBU alleged that WSF unilaterally altered terms and conditions of employment; and interfered with administration of the contract and with the employees' and Union's rights by deviating from the agreed-upon Code of Conduct. IBU asserted that WSF scheduled a pre-disciplinary meeting for Bord Langvold, who had called WSF to inform the employer he would not be able to report to work because he was under the influence of alcohol. Article IV of the *Human Resource Handbook* prohibits being present on WSF facilities or property, reporting to work, or performing work under the influence of alcohol. IBU asserted that WSF's action deviated from the agreed-upon progressive disciplinary processes/procedures.

The complaint was forwarded to MEC Commissioners for initial review. The Commission reviewed the complaint and determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable. Commissioner David E. Williams was assigned to act as Hearing Examiner. A hearing was scheduled for January 9, 2001.

Commissioner John P. Sullivan conducted a settlement conference on November 21, 2000; however, the matter was not resolved. On January 5, 2001, the parties discussed the complaint further, resulting in IBU withdrawing the complaint “without waiving the contentions contained therein.” On January 8, 2001, MEC received the written withdrawal from IBU counsel, Elizabeth Ford.

#### ORDER

It is hereby ordered that the unfair labor practice complaint filed by IBU against WSF and docketed as MEC Case No. 23-00, be dismissed.

DATED this \_\_\_\_\_ day of January 2001.

#### MARINE EMPLOYEES’ COMMISSION

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JOHN D. NELSON, Chairman

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JOHN P. SULLIVAN, Commissioner

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DAVID E. WILLIAMS, Commissioner