

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 28-02

DECISION NO. 386 - MEC

ORDER CLOSING
SETTLED COMPLAINT

Schwerin, Campbell and Barnard, by *Robert Lavitt*, Attorney, appearing for the Inlandboatmen's Union of the Pacific

Christine Gregoire, Attorney General, by *David Slown*, Assistant Attorney General, appearing for the Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on January 24, 2002, when Dennis Conklin, Inlandboatmen's Union of the Pacific (IBU), filed an unfair labor practice complaint against the Washington State Ferries (WSF). The matter was docketed as MEC Case No. 28-02. On February 6, 2002, IBU amended its complaint.

IBU's amended 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 on or about December 2001, WSF unilaterally changed working conditions when it issued new policies and procedures to all terminal employees at Colman Dock without first negotiating with the Union. IBU maintained that WSF communicated directly with its employees concerning the new policies. IBU asserted that WSF interfered with the Union's

ability to represent its members and with those members' right to engage in collective bargaining.

Following initial review of the complaint, the Commission determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable. Commissioner John Byrne was assigned to act as Mediator at a settlement conference scheduled for March 26, 2002. Chairman John Nelson was designated to act as Hearing Examiner for the hearing scheduled on April 30, 2002.

The parties reached an agreement during the March 26 settlement conference, which provided steps they would take to resolve the issue. The complaint was to be held in abeyance until the end of May.

At IBU's request on July 10, 2002, the MEC rescheduled the hearing in Case 28-02 for October 21, 2002. On October 3, 2002, IBU requested the October 21 hearing date be converted to another settlement conference. The parties anticipated that another conference would help them move several issues off the table. Commissioner John Sullivan served as Mediator for the October 21 settlement conference.

This matter was not fully resolved when on December 6, 2002, IBU Regional Director Pete Jones, requested the Commission reschedule a hearing. Two days of hearing were scheduled—March 3 and 4, 2003. The March 4 date was later cancelled because IBU counsel was unavailable.

WSF filed its Answer to the Complaint on February 14, 2003. On February 27, IBU requested the March 3 hearing date be continued; the hearing was rescheduled for May 29, 2003. On May 28, 2003, IBU requested an indefinite postponement of the hearing, noting that the

parties had reached a tentative agreement on seventy-five percent of the issues and would meet again in June, at which time they expected to resolve the remaining issues.

During MEC's June 2003 public meeting, AAG Slown reported that the parties were very close to having the issue settled. At MEC's October 2003 public meeting, AAG Slown reported that the parties had reached agreement on all the issues contained in this complaint. By telephone to the MEC on October 30, 2003, Dennis Conklin, IBU, confirmed the matter settled.

ORDER

Based upon the verbal reports received from the parties (noted above), it is hereby ordered that the unfair labor practice complaint, filed by IBU against WSF and docketed as MEC Case 28-02, is closed as settled, unless either party files an objection with the Commission within ten (10) days of the date of this Order.

DATED this ____ day of November 2003.

MARINE EMPLOYEES' COMMISSION

JOHN SWANSON
Chairman