

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION OF THE
PACIFIC,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 30-03

DECISION NO. 361 – MEC

ORDER DISMISSING
ADJUSTED COMPLAINT

Dennis Conklin, Business Agent, 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 December 27, 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. 30-03.

IBU's complaint initially 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. On January 28, 2003, IBU amended its complaint by charging WSF with refusing to bargain collectively with representatives of employees.

Specifically, IBU alleged that WSF unilaterally changed the manner in which it administered discipline for probationary employees. IBU asserted that WSF had ceased conducting fact-finding meetings to provide probationary employees opportunity to respond to allegations raised against them; and arbitrarily refused to extend the probationary periods of

employees J. Mileto, L. Burgess, M. Williams, P. Allen and J. Tusler, as WSF has done in the past.

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. Chairman John Nelson was designated to act as Hearing Examiner. A settlement conference was scheduled for February 27, 2003 and the hearing for April 4, 2003.

During the February 27 settlement conference, with Commissioner Byrne's assistance, the parties reached agreement. Commissioner Byrne forwarded the parties' signed settlement agreement (which includes IBU's withdrawal of the complaint) to the MEC office. That agreement 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. 30-03, be dismissed.

DATED this 17th day of March 2003.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

**Settlement Agreement
MEC Case No. 30-03**

1. The parties agree to the following process to apply in the event WSF proposes termination of a probationary Terminal Department employee:
 - a. The letter advising the employee of the proposed action shall also inform the employee of his/her right to request a meeting with the appropriate management person with union representation to present reasons why the proposed termination should not occur.
 - b. WSF may remove the individual from paid status pending the meeting and the right to have the meeting does not guarantee continued paid working time up to the scheduled date of the meeting.
 - c. The right to a meeting does not in any way alter the contract provision regarding probationary employment (Rule 33 currently) nor does it affect management's role as defined by those provisions.
 - d. The requested meeting will be scheduled as expeditiously as possible.
 - e. The following individuals will be informed by the union of their right to attend a meeting to be scheduled by WSF & BIU regarding termination that occurred in October, 2002: 1) Mileto; 2) Burgess; 3) Williams; 4) Allen; 5) Tusler.
2. This agreement is not intended to affect the current practices in the Deck Department.
3. In consideration of this agreement, the IBU hereby withdraws the ULP in this case.

/s/ David J. Slown WSBA 24943
WSF
2/27/03

/s/ Dennis Conklin
IBU
2/27/03