

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

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| INLANDBOATMEN'S UNION OF |) | |
| THE PACIFIC, |) | MEC Case No. 32-00 |
| |) | |
| Complainant, |) | DECISION NO. 256 – MEC |
| v. |) | |
| |) | ORDER DISMISSING |
| WASHINGTON STATE FERRIES, |) | 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 28, 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 the terms and conditions of the contract when it altered the way in which travel time and mileage to and from Friday Harbor are paid. WSF had been paying accrual travel time from Friday Harbor to Anacortes. IBU alleged that WSF employee/manager, Bob Wheeler, negotiated with the reliefs to not request actual travel time, but rather, what he believed they should receive.

The complaint was forwarded to MEC Commissioners for initial review. The Commission reviewed the complaint and determined that the facts alleged may constitute unfair labor practices, if later found to be true and provable. Chairman John D. Nelson was assigned to act as

Hearing Examiner. A hearing was scheduled for January 22, 2001. (That hearing date was later cancelled to accommodate an expedited hearing in another IBU matter and was to be rescheduled if Case 32-00 was not resolved at the settlement conference.)

Commissioner John P. Sullivan conducted a settlement conference on January 5, 2001. The parties resolved the matter, producing a written settlement agreement, which is appended to and becomes a part of this Order by reference.

The MEC received IBU's withdrawal of the complaint, as well as a copy of the signed agreement, on January 8, 2001.

ORDER

It is hereby ordered that the unfair labor practice complaint filed by IBU against WSF and docketed as MEC Case No. 32-00, be dismissed.

DATED this 23rd day of January 2001.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN D. NELSON, Chairman

/s/ JOHN P. SULLIVAN, Commissioner

/s/ DAVID E. WILLIAMS, Commissioner

SETTLEMENT AGREEMENT

In settlement of MEC Charge No. 32-00 (Travel Time ULP), the parties agree as follows:

1. The WSF will pay 2.5 hours travel time for one-way travel between Anacortes and Friday Harbor, except in unusual circumstances where an adequate explanation is given.
2. If the current (2000) summer or fall sailing schedule for Anacortes-San Juan Islands-Sidney, BC changes in a manner which substantially increases the time necessary for a regularly scheduled relief to travel between Friday harbor and Anacortes, the parties will upon request by either party, within 30 days of the change, renegotiate the amount given in paragraph 1. The agreed upon amount shall be retroactive to the date of the change. If the parties are unable to agree on an amount, the question will be submitted to the MEC for decision.
3. To the extent the rate given in paragraph 1 exceeds the amount paid to employees, the rate shall be retroactive to February 1, 2000.
4. In exchange for the above, the IBU agrees to withdraw MEC charge 32-00.

Dated January 5, 2001.

/s/ Pete Jones
For the IBU

/s/ Michael Manning
For WSF