

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC,

Complainant,

v.

WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION, FERRIES
DIVISION,

Respondent.

MEC CASE NO. 4-11

DECISION NO. 600 - MEC

ORDER CLOSING
SETTLED COMPLAINT

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

Robert McKenna, Attorney General, by *Don Anderson*, Assistant Attorney General, appearing for Washington State Department of Transportation, Ferries Division.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on October 15, 2010, when the Inlandboatmen's Union (IBU) filed an unfair labor practice complaint, MEC Case No. 4-11, against the Washington State Department of Transportation, Ferries Division (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; encouraging or discouraging membership in an employee organization by discrimination in regard to: hiring, tenure, or any term or condition of employment; and by refusing to bargain collectively with representatives of employees. Specifically, IBU alleged that on October 12, 2010, WSF notified the Union that it would not allow second year hires to take voluntary lay-off at the end of the summer schedule to see if they received 50 percent work. IBU asserted that WSF's action was in violation of the parties June 19, 1997 Morvan agreement.

Following review of the IBU's complaint, the Commission determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable. Commissioner John Cox was assigned as Mediator for the settlement conference scheduled on January 27, 2011. Chairman John Swanson was designated to act as Hearing Examiner and a hearing scheduled for February 17, 2011. The parties made progress toward resolution of the matter during the January 27 settlement conference and subsequently requested that the February 17 hearing be converted to another settlement conference.

On February 14, 2011, Labor Negotiator Jerry Holder notified the MEC that the parties had reached an agreement. A signed copy of 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 4-11, is closed in acknowledgement of the parties' settlement agreement.

DATED this 23rd day of February 2011.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN COX, Commissioner