

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

DONNA HILL,

Complainant,

v.

INLANDBOATMEN'S UNION OF THE
PACIFIC and WASHINGTON STATE
FERRIES,

Respondents.

MEC Case No. 43-00 (A & B)

DECISION NO. 291 – MEC

ORDER DISMISSING
ADJUSTED COMPLAINT

M.L. Daniel, Attorney, appearing for and on behalf of Donna Hill.

Schwerin, Campbell and Barnard, Attorneys, by *Dmitri Iglitzin*, appearing for and on behalf of the Inlandboatmen's Union of the Pacific.

Christine Gregoire, Attorney General, by *David Slown*, Assistant Attorney General, appearing for and on behalf of Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on November 17, 2000, when Donna Hill filed an unfair labor practice complaint against the Inlandboatmen's Union of the Pacific (IBU) and Washington State Ferries (WSF).

Donna Hill charged IBU (part A of the complaint) with restraining or coercing employees in the exercise of rights guaranteed by RCW 47.64 and WAC 316-45; causing or attempting to cause an employer to discriminate against an employee in violation of WAC 316-45-003(1)(c); and refusing to bargain collectively with an employer, when it is the representative of its employees subject to RCW 47.64.170.

Specifically, Ms. Hill charged IBU with failing to fairly represent her when it:

- neglected to notify her that her union dues were in arrears, until day of termination, and to investigate the situation prior to recommending termination;
- failed to provide union information at time of hire; to communicate with union members as to dues status, policy and rights;

ORDER DISMISSING
ADJUSTED COMPLAINT -1-

- failed to return funds given by union members (for economist which was never hired) in a timely fashion;
- failed to be truthful; and
- discriminated against her for expressing opposition to union actions.

Donna Hill charged WSF (part B of the complaint) with dominating or interfering with formation or administration of employee organization; encouraging or discouraging membership in employee organization by discrimination in regard to: hiring, tenure, any term or condition of employment; discharging or otherwise discriminating against an employee after employee has filed charges or given testimony concerning subjects covered by chapter 47.64.RCW.

Specifically, Donna Hill charged WSF with unlawful termination. She alleged that WSF:

- failed to provide her due process;
- stopped deducting her union dues without authorization;
- failed to give her notice;
- would not negotiate to reinstate her after all facts were discovered; and
- discriminated against her because of a disability.

The matter was docketed as MEC Case No. 43-00 (A & B) and forwarded to the Commissioners for initial review. The Commission determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable.

The parties participated in a settlement conference with Commissioner John Sullivan acting as Mediator on January 12, 2001, but did not resolve the issue. The MEC scheduled a hearing for May 17, 2001, which was later continued to September 5, 2001, at IBU's request.

On June 8, 2001, WSF counsel, AAG Slown, informed the MEC that Donna Hill was back to work at WSF, without prejudice.

On June 11, 2001, IBU filed a Motion for Summary Judgment with the MEC. On July 16, 2001, Counsel M.L. Daniel filed Grievant's Response to IBU's Motion and Declaration of M.L. Daniel.

On August 13, 2001, Examiner John Byrne issued Order Denying Request for Oral Argument and Denying Motion for Summary Judgment. IBU and WSF filed answers to the complaint on August 15, 2001.

Examiner Byrne convened the hearing on September 5, 2001; however, at complainant's request, it was continued to November 5, 2001. On September 6, 2001, AAG Slown advised the MEC that the parties reached an agreement and were finalizing the details.

On November 1, 2001, AAG Slown filed a copy of the parties' signed settlement agreement with the MEC. (The November 5 hearing was cancelled.) The agreement constitutes a request for withdrawal of the complaint. It 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 Donna Hill against IBU and WSF and docketed as MEC Case No. 43-00 (A & B), be dismissed.

DATED this _____ day of November 2001.

MARINE EMPLOYEES' COMMISSION

JOHN NELSON, Chairman

JOHN SULLIVAN, Commissioner

JOHN BYRNE, Commissioner