

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 46-05

DECISION NO. 462 - MEC

ORDER CLOSING
SETTLED COMPLAINT

Jay Ubelhart, Business Agent, appearing for the Inlandboatmen's Union of the Pacific.

Rob McKenna, 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 May 24, 2005 when the 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. 46-05.

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, any term or condition of employment; and refusing to bargain collectively with representatives of employees.

Specifically, IBU alleged that WSF unilaterally changed the contractually agreed-upon selection procedure for new bargaining unit employees (contained in Appendix C of the IBU/WSF contract). IBU's complaint further alleged that WSF failed to provide the union with

information regarding modification of selection standards, prior to implementation, and with documentation generated during the hiring process as requested in writing by the Union.

Following review of IBU's complaint, the MEC determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable. The IBU and WSF participated in settlement conferences on August 5 and September 21, 2005 with Commissioner Elizabeth Ford serving as mediator. The parties made considerable progress toward resolution. A December 19, 2005 hearing was scheduled with Chairman John Swanson designated as examiner, in the event the parties were not successful in reaching an agreement.

On November 15, 2005 MEC received a copy of the signed settlement agreement resolving Case 46-05, which includes the IBU's withdrawal of the complaint. A copy of the 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 46-05, is closed in acknowledgement of the parties' settlement agreement.

DATED this 6th day of December 2005.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner

**AGREEMENT
BETWEEN
WASHINGTON STATE FERRIES SYSTEM
AND
INLANDBOATMEN'S UNION OF THE PACIFIC,
(MARINE DIVISION OF THE INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION)**

Both parties enter into this Letter of Understanding in order to resolve MEC case #46-05. WSF and IBU agree that this resolution is a non-precedent setting resolution.

The parties are in agreement regarding the math test and will meet in November 2005 to review and come to agreement regarding the reading test.

WSF will allow seventeen (17) deck applicants and fifteen (15) terminal applicants (all thirty-two (32) names listed below) who applied during the Spring 2005 hiring period, and were not hired during that hired period, to be part of the pool of candidates considered during the hiring period for 2006. The agreement to allow these individuals to be considered does not guarantee these individuals a job or position with WSF. The thirty-two (32) individuals will need to go through all applicant hiring processes again.

The IBU will allow these thirty-two (32) individuals to be considered without needing to go through the official IBU referral process.

By copy of this agreement the MEC case #46-05 is withdrawn.

Deck: Harold Spehar, Alphonso Davis, Maria Green, Joel Friesen, James Pontillo, Keith Matthews, Owen Bennett, Steve Craig, Robert Wiseman, Ian Erwin, Mashelle Parker, Ray Standley, Candace Gee, Maher McClung, Stephen Rockwood, Mark Goetz, Michael Gamble.

Terminal: Donna Polson, Annie Brooks, Mark Bell, Johnny Banks, Cathie Welky, Matthew Sheldon, Martha Black, Brent Winder, Suzan Fakatoufifita, Thomas Gatson, Beverly Langvold, Adrian Shedwin, Colleen Riley, Norman Frey, Angela Capdepon.

Signed this 14th day of November 2005.

WASHINGTON STATE FERRIES
SYSTEM

/s/ Michael Manning
Labor Relations Manager

INLANDBOATMEN'S UNION OF THE
PACIFIC, MARINE DIVISION OF THE
INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION

/s/ Dennis Conklin
Regional Director, WSF

/s/ Jay Ubelhart
Patrolman, WSF