

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 5-05

DECISION NO. 538 - MEC

ORDER CLOSING
WITHDRAWN COMPLAINT

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

Robert McKenna, Attorney General, by *David Slown*, Assistant Attorney General, appearing for Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on July 21, 2004 when the Inlandboatmen's Union of the Pacific (IBU) filed an unfair labor practice complaint, MEC Case 5-05, against Washington State Ferries (WSF). The 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, the IBU alleged that WSF unilaterally changed terms and conditions of employment by implementing a new Maritime Transportation Security Plan without negotiating with 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.

Chairman John Swanson was assigned to serve as Mediator for the October 18, 2004 settlement conference. Commissioner Elizabeth Ford was designated to act as Hearing Examiner for a hearing scheduled on January 20, 2005. A schedule conflict for Commissioner Ford required cancellation of the January 20 hearing. The parties indicated to the MEC that they were continuing settlement discussions and it was not necessary to reschedule the hearing immediately.

At the IBU's request, the MEC later scheduled a second settlement conference for August 4, 2005. Following that meeting, the parties advised the Commission they would continue their discussions. Later updates during MEC public meetings noted that contract negotiations had precluded getting back to this matter, but that remained the parties' intention.

By letter on February 7, 2008, IBU Regional Director Dennis Conklin withdrew the complaint.

ORDER

It is hereby ordered that the unfair labor practice complaint, filed by IBU against WSF and docketed as MEC Case 5-05, is closed in acknowledgment of IBU's withdrawal.

DATED this 29th day of February 2008.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner