

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. 5-10

DECISION NO. 584 - MEC

ORDER CLOSING  
SETTLED COMPLAINT

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

Robert McKenna, Attorney General, by *David Slown*, Assistant Attorney General, appearing for Washington State Department of Transportation, Ferries Division (WSF).

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on November 5, 2009, when the Inlandboatmen's Union filed an unfair labor practice complaint, MEC Case No. 5-10, against the Washington State Department of Transportation, Ferries Division.

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 by refusing to bargain collectively with representatives of employees. Specifically, IBU alleged that on November 3, 2009, WSF Captains Capacci and Mitchell refused to provide information the

Union requested prior to a fact-finding meeting concerning three IBU members, thereby depriving them of full representation by their Union.

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. Chairman John Swanson was assigned as Mediator for the settlement conference scheduled on January 19, 2010. Commissioner Patricia Warren was designated to act as Hearing Examiner and a hearing scheduled for April 28, 2010.

The parties engaged in settlement discussions on January 19, but did not fully resolve the issue. Later, at the request of IBU Counsel, the April 28 hearing was continued to May 26 and Commissioner John Cox reassigned as Hearing Examiner.

The parties appeared for the May 26, 2010 hearing, but instead, chose to spend considerable time discussing resolution. Following those discussions, IBU and WSF requested another settlement conference be scheduled with Mediator Swanson. The parties met on June 28 reaching a mutually agreeable settlement of the issue. WSF provided the Commission with a signed copy of the parties' written agreement, which constitutes a withdrawal of the complaint. That agreement is appended to and becomes a part of this Order by reference.

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**ORDER**

It is hereby ordered that the unfair labor practice complaint, filed by IBU against WSF and docketed as MEC Case 5-10, is closed in acknowledgement of the parties' settlement agreement.

DATED this 19th day of July 2010.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ PATRICIA WARREN, Commissioner

/s/ JOHN COX, Commissioner

JUN 28 2010

MARINE EMPLOYEES COMMISSION  
OLYMPIA, WA

cc: MEC

**IBU & WSDOT-Ferries Division  
Settlement Agreement  
MEC Case No. 5-10**

The Washington State Department of Transportation - Ferries Division (WSF) and the Inlandboatmen's Union of the Pacific (IBU) hereby agree to resolve the above referenced MEC unfair labor practice case as follows:

When an IBU represented employee is facing allegations of misconduct, the WSF agrees that upon request it will provide to the IBU, prior to any fact finding meeting, whatever documentation WSF relied upon in calling for a fact finding meeting, including but not limited to attendance records.

The parties agree that WSF is under no duty to create new or additional documents.

WSF represents that the following individuals received discipline no greater than a verbal warning:

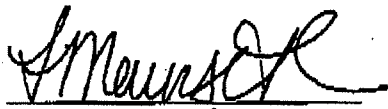
1. Casey Jones *OK*
2. Jon Pine
3. Edward Allen
4. Charles Leahey
5. Kristen Colgrove
6. James Bergman
7. Arne Foshee
8. Brian Smith
9. Dale Baker *OK*

The WSF agrees to waive any timeliness issues regarding the discipline of Tracey Tenneson. The IBU agrees to advance this to Step 3 (PARM) within thirty days (30).

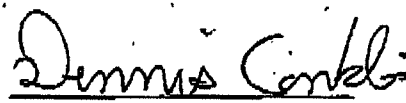
Submission of a signed copy of this Settlement Agreement to the MEC shall constitute a withdrawal of the above referenced charge.

Signed this 28<sup>th</sup> day of June 2010 in Seattle, Washington.

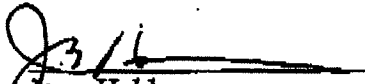
For WSDOT-Ferries Division

  
Leah Maurseth

For IBU

  
Dennis Conklin

For OFM-LRO

  
Jerry Holder