

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION	)	MEC Case No. 5-92
OF THE PACIFIC,	)	
	)	DECISION NO. 95-MEC
Complainant,	)	
	)	
v.	)	ORDER OF DISMISSAL
	)	
WASHINGTON STATE FERRIES,	)	
	)	
Respondent.	)	
	)	

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Schwerin, Burns, Campbell and French, attorneys, by John Burns, appearing for and on behalf of the Inlandboatmen's Union of the Pacific.

Kenneth Eikenberry, Attorney General, by Robert McIntosh, Assistant Attorney General, for and on behalf of Washington State Ferries.

THIS MATTER came before the Marine Employees' Commission (MEC) for consideration of the Inlandboatmen's Union of the Pacific's Motion to Dismiss MEC Case No. 5-92.

On April 20, 1992, the Inlandboatmen's Union of the Pacific (IBU) filed an unfair labor practice complaint charging the Washington State Ferries (WSF) with failure to execute agreements in multiple grievances that should be deemed granted in favor of IBU pursuant to Rule 16.04 of the 1991-1993 WSF/IBU Collective Bargaining Agreement. By not timely resolving the disputes, IBU alleged WSF has diluted the effectiveness of the union and caused WSF employees to become dissatisfied with IBU. The complaint was scheduled for discussion at MEC's April 24, 1992 meeting. At that time, IBU requested MEC defer action on the complaint to allow WSF and IBU further opportunity to resolve the dispute.

During MEC's September meeting, the Commission assigned Donald E. Kokjer as hearing examiner. In accordance with WAC 316-45-100,1 Commissioner Donald E. Kokjer determined that the facts alleged, if found to be true and provable, may constitute an unfair labor practice. A hearing was scheduled for October 26, 1992. On October 22, 1992 IBU amended its complaint, and on October 23, 1992 requested a three-week continuance of the hearing. IBU filed another unfair labor practice complaint on November 3, 1992, MEC No. 10-92; the parties requested the two cases be consolidated for purposes of a hearing. Consolidation was granted and the hearing was rescheduled for December 22, 1992. Prior to convening the hearing, the parties reached agreement on the issues, but asked Hearing Examiner Kokjer to continue the matter to January 25, 1993, the date by which the terms of the agreement were to be met. At the March 1993 MEC meeting, IBU requested another hearing date be set because the terms of the settlement had not been fulfilled.

On March 29, 1993, IBU informed the Commission that MEC Case No. 10-92 had been satisfactorily settled, and requested dismissal of the matter; Decision No. 92-MEC was entered April 7, 1993. On the same date, IBU requested MEC Case No. 5-92 be consolidated with MEC Case No. 3-93 (filed on February 1, 1993) because the facts and principles of law involved are related. Examiner Kokjer granted the request for consolidation and scheduled a hearing for May 10, 1993. At IBU's request and with WSF approval, the hearing was continued to June 8, 1993. Prior to convening the hearing, the parties reached a final settlement.

By letter dated June 10, 1993, IBU withdrew the unfair labor practice complaint, MEC Case No. 5-92, filed against WSF.

Pursuant to the withdrawal of the unfair labor practice complaint by the Inlandboatmen's Union of the Pacific (WAC 316-45-090), it is hereby ordered that MEC Case No. 5-92 is dismissed.

DONE this 21<sup>st</sup> day of June 1993.

MARINE EMPLOYEES' COMMISSION

/s/ DAN E. BOYD, Chairman

/s/ DONALD E. KOKJER, Commissioner

/s/ LOUIS O. STEWART, Commissioner