

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 6-08

DECISION NO. 544 - MEC

ORDER CLOSING
SETTLED 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 the Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on October 11, 2007, when the Inlandboatmen's Union of the Pacific (IBU) filed an unfair labor practice complaint, MEC Case 6-08, against the Washington State Ferries (WSF).

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 employee organization by discrimination in regard to: hiring, tenure, any term or condition of employment; discharging or otherwise discriminating against an employee after an employee has filed charges or given testimony concerning subjects covered by chapter 47.64; and by refusing to bargain collectively with representatives of employees.

Specifically, IBU alleged that a September 21, 2007 letter from a WSDOT attorney to Ms. Gill's attorney in her Jones Act case, constituted an unlawful attempt to discourage her from pursuing her grievance (MEC Case 16-07).

ORDER CLOSING
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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. Action on Case 6-08 (complaint) was delayed pending disposition of Case 16-07 (grievance). Decision 536-MEC was entered on January 15, 2008, concluding Ms.Gill's grievance before the Commission.

The IBU and WSF spent some time discussing complaint 6-08 prior to the MEC scheduling a settlement conference. On June 17, 2008, Chairman John Swanson conducted a settlement conference, at which time the parties resolved the issue. A copy of the signed settlement agreement, which includes IBU's withdrawal of the complaint, 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 6-08, is closed in acknowledgement of the parties' agreement.

DATED this 20th day of June 2008.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ PATRICIA WARREN, Commissioner

Settlement Agreement Between the IBU and WSDOT
RE: MEC 6-08 (Pam Gill)

RECITALS

The Inlandboatmen's Union of the Pacific and the Washington State Department of Transportation, Ferries Division(WSDOT) enter this Settlement Agreement to resolve MEC Case No. 6-08. Ms. Gill settled her Jones Act lawsuit against the Dept. of Transportation (Gill v. DPT=Ferries, Kitsap Superior Court No. 04-2-01920-8) on March 30, 2006. Her settlement agreement did not prohibit her from seeking reinstatement to a position at WSF. Ms. Gill successfully grieved when WSF refused to reinstate her (MEC Case No. 16-07).

While case 16-07 was pending, WSDOT's attorney sent a letter dated September 21, 2007 to Ms. Gill's attorney in her Jones Act case stating that the attorney would recommend to WSF that it file a lawsuit for equitable restitution if Ms. Gill prevails in her grievance for reinstatement.

The IBU filed the instant unfair labor practice case on October 11, 2007 alleging that the Sept. 21 letter constituted an unlawful attempt to discourage her from pursuing her grievance and MEC Case No. 16-07.

In order to resolve this matter the parties hereby agree as follows:

AGREEMENT

1. The IBU agrees to withdraw the above referenced unfair labor practice charge. However, the parties agree that if the WSDOT's position on this matter changes (from what's described herein) the IBU can refile this charge without prejudice.
2. The WSDOT agrees that the September 21, 2007 letter does not reflect its current position. The WSDOT has no plan to seek any legal action against Ms. Gill at this time.

For the Washington Department of
Transportation

/s/ David J. Slown
Counsel for WSDOT-Ferries Division

Dated this 17th day of June

For the Inlandboatmen's Union of the
Pacific

/s/ Robert H. Lavitt
Counsel for IBU

Dated this 17th day of June