

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION)	MEC Case No. 6-93
OF THE PACIFIC,)	
)	DECISION NO. 103 - MEC
Complainant,)	
)	
v.)	ORDER OF DISMISSAL
)	
WASHINGTON STATE FERRIES,)	
)	
Respondent.)	
)	

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

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

THIS MATTER came before the Marine Employees' Commission on July 14, 1993 when the Inlandboatmen's Union of the Pacific filed an unfair labor practice complaint against the Washington State Ferries.

IBU's complaint charged WSF with engaging in unfair labor practices by (1) interfering with, restraining or coercing employees in the exercise of rights pursuant to RCW 47.64.130(1)(a) and WAC 316-45-003(1)(a); and (2) refusing to bargaining collectively with representatives of employees, pursuant to RCW 47.64.130(1)(e) and WAC 316-45-003(1)(e).

Specifically, IBU alleged that Dennis Conklin met with WSF management every Tuesday and Thursday since August 27, 1991

(excluding vacations, holidays, and those dates on which a party was unavailable) for the purpose of resolving pending and outstanding grievances filed by IBU members. Further, IBU charged that on an on-going basis WSF failed to acknowledge or respond to the dispute process agreed to between the parties, Rule 16.04 - Disputes, Step II - FORMAL(2), of the collective bargaining agreement. IBU asserted, pursuant to Rule 16.04, that by virtue of WSF's lack of timely response to the Union, WSF had deemed the grievances cited in IBU's complaint to be granted. The complainant also alleged that WSF reneged on agreements mutually entered into by parties in complaints previously filed with MEC.

IBU filed an amendment to its complaint on July 20, 1993. A discussion of the complaint was held at MEC's July 23, 1993 monthly meeting. The Commission requested further facts from IBU and received an amended complaint on August 9, 1993. IBU's complaint was discussed further during MEC's August 20, 1993 monthly meeting. The Commission determined that the facts alleged in the complaint, as amended, may constitute an unfair labor practice if later found to be true and provable.

The matter was docketed as MEC Case No. 6-93 and assigned to Commissioner Donald E. Kokjer to act as hearing examiner. A hearing was scheduled for November 16, 1993. On October 22, 1993, IBU again filed an amendment to its complaint documenting union attempts to confer with the employer. Subsequently, MEC granted WSF a four-day extension of time within which to file an answer to the amended complaint.

On November 15, 1993, John Burns, on behalf of IBU, informed by MEC by telephone that the matter has been settled; the scheduled hearing was cancelled. On November 18, 1993, by letter, John Burns confirmed settlement between the parties and withdrew the charges.

Pursuant to withdrawal of the unfair labor practice complaint by John Burns, on behalf of the Inlandboatmen's Union of the Pacific, it is hereby ordered that MEC Case No. 6-93 is dismissed.

DONE this 7th day of December 1993.

MARINE EMPLOYEES' COMMISSION

/s/ DONALD E. KOKJER, Commissioner

/s/ LOUIS O. STEWART, Commissioner

