

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 65-04

FERRY AGENTS, SUPERVISORS and
PROJECT ADMINISTRATORS
ASSOCIATION,

Complainant,

v.

INLANDBOATMEN'S UNION
OF THE PACIFIC,

Respondent.

MEC CASE NO. 66-04

DECISION NO. 421 - MEC

ORDER CLOSING
SETTLED COMPLAINTS

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

Doug Schlieff, Union President, appearing for the Ferry Agents, Supervisors and Project Administrators Association (FASPAA).

Christine Gregoire, Attorney General, by *David Slown*, Assistant Attorney General, appearing for the Washington State Ferries (WSF).

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on June 9, 2004 when Dennis Conklin, IBU Regional Director, filed an unfair labor practice complaint against the Washington State Ferries. IBU requested expedited handling of the matter.

The complaint was docketed as MEC Case No. 65-04.

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 and refusing to bargain collectively with representatives of employees.

Specifically, IBU alleged that WSF violated the IBU labor agreement and committed an unfair labor practice by allowing Winnie Yabe to demote from a full-time agent position to an IBU ticket-seller position when she was not an IBU member. The Union asserted that WSF disrupted the schedules and working conditions of 50-plus IBU-represented ticket sellers.

Following initial review of the complaint, the Commission determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable.

Commissioner John Byrne was assigned to serve as Mediator at a settlement conference scheduled for June 25, 2004. Commissioner John Sullivan was designated to act as Hearing Examiner for the hearing scheduled on August 11, 2004

On June 17, 2004, Doug Schlieff, FASPAA President, filed an unfair labor practice complaint against the IBU. The Commission docketed the complaint as MEC Case No. 66-04. FASPAA's complaint charged the IBU with restraining or coercing employees in the exercise of rights guaranteed by RCW 47.64.130 and WAC 316-45-003; and with causing or attempting to cause an employer to discriminate against an employee in violation of WAC 316-45-003(1)(c).

Specifically, the FASPAA alleged that IBU attempted to restrain or coerce WSF employees in the exercise of their rights by disseminating disinformation prior to and during a representation election and attempting to unilaterally force changes in labor practices affecting FASPAA members. The FASPAA asserted that IBU sought to make a unilateral change in past practice by preventing a WSF Terminal Supervisor from demoting to a lesser position for

medical reasons. The FASPAA maintained that IBU attempted to cause the employer to discriminate against FASPAA members by insisting on the unilateral changes in labor practice.

Case 66-04, filed by FASPAA, was forwarded to MEC Commissioners for review. Because of the similarity of facts in Cases 65-04 and 66-04, the MEC invited the FASPAA to attend a settlement conference already scheduled for Case 65-04 on June 25, 2004.

During the June 25 conference, the three parties settled both Case 65-04 and 66-04. On June 28, 2004 MEC received the parties' signed settlement agreement, which includes withdrawal of both complaints. That agreement is appended to and becomes a part of this Order by reference.

ORDER

It is hereby ordered that the unfair labor practice complaints, MEC Case 65-04—filed by the IBU against WSF, and MEC Case 66-04—filed by the FASPAA against the IBU, are closed in acknowledgment of the parties' agreement.

DATED this 12th day of July 2004.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

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The three parties to these two cases agree to resolve the cases as follows:

1. The bargaining unit seniority and placement of Winnie Yabe are hereby confirmed by all parties. It is understood and agreed that the actions were the result of very particular circumstances and are not precedent for any future actions. The parties agree that this situation cannot be claimed to violate anyone's contractual rights and cannot be used as precedent for any other claims.
2. The parties agree that the following 13 persons have effectively exercised their rights to freeze their IBU bargaining unit seniority and are eligible to exercise their reversion rights to an open position as defined by the IBU contract under the terms of Rule 21:

Glenn Welk, Fred White, Larry Gage, Eric Trunnell, Donald Wea, Deborah Young, Mark Tibbles, Susan Lowery, David Anderson, Irene Schaeffer, Renee Peterson, Douglas Peterson, Kevin Christie

The other current terminal supervisors are not eligible for reversion rights under the terms of the contract under the terms of Rule 21. Newly promoted terminal supervisors will have to make their choice in accordance with the terms of the IBU contract.

3. W.S.F. will not seek to expand the list in the 01-03 contract bargaining.
4. Cases 65-04 and 66-04 are hereby withdrawn as settled.

Dated 6/25/04

/s/ David J. Slown
WSF

Dated 6/25/04

/s/ Dennis Conklin
IBU

Dated 6/25/04

Douglas E. Schlieff
FASPAA