

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. 7-08

DECISION NO. 551 - MEC

ORDER CLOSING
WITHDRAWN COMPLAINT

Schwerin, Campbell, Barnard and Iglitzin 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 2, 2007 when the Inlandboatmen's Union of the Pacific filed an unfair labor practice complaint against Washington State Ferries, MEC Case 7-08. The 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, the IBU alleged that WSF unilaterally changed terminal department employees' work hours so that none of them were on duty from 2:10 a.m. to 4:20 a.m. As a result, the deck department employees had to perform tasks that were the responsibility of terminal department employees.

On December 26, 2007, the Commission notified the IBU that its statement of facts was insufficient to determine whether it met the required threshold for a complaint. The IBU filed an amended complaint on January 4, 2008. Following review of the amended complaint, the

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

Commissioner John Sullivan was assigned to serve as Mediator for the February 11, 2008 settlement conference. Chairman John Swanson was designated to act as Hearing Examiner and a hearing scheduled for March 10. Both of these proceedings were later cancelled due to ongoing contract negotiations. The parties participated in a settlement conference on March 26. The matter was not resolved, but WSF agreed to provide requested schedule detail to the union. Another settlement conference was scheduled for June 9; however, it was cancelled at the union's request and continued to October 16. On September 3, 2008, Commissioner Patricia Warren was reassigned as Mediator. The October 16 settlement conference conflicted with her schedule. The MEC cancelled it and rescheduled for November 7.

On November 4, 2008, the IBU withdrew the complaint and requested the November 7 conference be cancelled.

ORDER

It is hereby ordered that the unfair labor practice complaint, filed by IBU against WSF and docketed as MEC Case 7-08, is closed in acknowledgment of IBU's withdrawal.

DATED this 12th day of December 2008.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ PATRICIA WARREN, Commissioner

/s/ JOHN COX, Commissioner