

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION	)	MEC Case No. 7-94
OF THE PACIFIC,	)	
	)	DECISION NO. 121-MEC
Complainant,	)	
	)	
v.	)	ORDER OF DISMISSAL
	)	
WASHINGTON STATE FERRIES,	)	
	)	
Respondent.	)	
_____	)	

THIS MATTER came before the Marine Employees' Commission on May 20, 1994 when the Inlandboatmen's Union of the Pacific (IBU) filed an unfair labor practice complaint against the Washington State Ferries (WSF).

IBU's complaint charged WSF with engaging in unfair labor practices by (1) dominating or interfering with formation or administration of an employee union pursuant to RCW 47.64.130(1)(b) and WAC 316-45-003(1)(b); and refusing to bargain collectively with representatives of employees, pursuant to RCW 47.64.130(1)(a)(e) and WAC 316-45-003(1)(a)(e).

Specifically IBU alleged that IBU and WSF had settled certain grievances in favor of the grievants, but that WSF refused to remit payment to those employees in a timely manner. IBU further alleges that WSF's refusal to pay its claims as agreed upon in the settlements is identical to WSF actions in two earlier cases. Hence a pattern of not paying in accordance with agreements with

the union until ordered to do so as a result of ULP complaints dilutes the status of the union as the employees' representative.

IBU requested an order requiring WSF to make immediate payments in full and to cause WSF to "make a solemn and enforceable commitment to timely payment of future (agreed upon) claims.

The matter was docketed as MEC Case No. 7-94 and set for discussion at the regular MEC meeting on June 24, 1994, following which the Commission determined that the facts alleged by IBU may constitute an unfair labor practice if later found to be true and provable. Commissioner Louis O. Stewart was designated as hearing examiner, pursuant to WAC 316-45-130. Stewart set a hearing on the matter for August 3, 1994.

WSF timely filed an answer to the complaint on July 22, 1994.

On August 2, 1994, Dennis Conklin, IBU Port Agent, notified MEC by telephone that the parties had reached agreement. IBU was requesting that the August 3 hearing be canceled because IBU would be withdrawing its complaint. Conklin filed a FAX copy of the agreement, signed by himself and Dave Rice WSF Personnel Officer. A copy of that agreement is appended hereto and is included in this Decision and Order by reference.

ORDER

It is hereby ordered that the unfair labor practice complaint docketed as MEC Case No. 7-94 should be and is dismissed.

DONE this 10<sup>th</sup> day of August 1994.

MARINE EMPLOYEES' COMMISSION

/s/ HENRY L. CHILES, Jr., Chairman

/s/ DONALD E. KOKJER, Commissioner

/s/ LOUIS O. STEWART, Commissioner

## SETTLEMENT AGREEMENT

The Inlandboatmen's Union of the Pacific and the Washington State Ferries settle MEC Case #7-94, relating to an unfair labor practice charge filed on behalf of Betty Anderson, Phil Olwell, Michelle Peters and Debbie Smith, on the following terms:

1. The IBU agrees to withdraw MEC Case #7-94 immediately.

WSF agrees to pay Betty Anderson for the following hours listed below no later than September 10, 1994.

1991	89.5
1992	118.0
1993	138.5

Vacation/sick leave/comp time/retirement accrued, plus \$264.15 for medical coverage.

If WSF does not make this payment by September 10, 1994, they will also pay her a penalty of \$100.00 per day for every day the payment is late.

2. IBU & WSF agrees to sign the settlement agreement relating to Phil Olwell, Michelle Peters and Debbie Smith, with modification, that is attached as Exhibit A. This agreement will be signed no later than August 25, 1994. If this agreement is not signed and copy provided to the IBU by September 10, 1994, these three individuals will be promoted into on-call Agent positions.

/s/ Dennis Conklin  
Inlandboatmen's Union of the Pacific

8-2-94

/s/ Dave Rice  
Washington State Ferries

8-2-94

Attachment (Exhibit A)