

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION)	MEC Case No. 8-96
OF THE PACIFIC,)	
)	DECISION NO. 160 - MEC
Complainant,)	
)	
v.)	ORDER DISMISSING
)	ADJUSTED COMPLAINT
WASHINGTON STATE FERRIES,)	
)	
Respondent.)	
)	

THIS MATTER came before the Marine Employees' Commission on June 18, 1996, when the Inlandboatmen's Union of the Pacific filed an unfair labor practice complaint 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 dominating or interfering with the formation or administration of the employee organization and refusing to bargain collectively with IBU.

Specifically, IBU alleged that WSF unilaterally altered terms and conditions of employment and interfered with the administration of the contract and with the employees' and Union's rights by 1) unilaterally deviating from agreed-upon hiring practices; 2) reducing the contractually required manning of vessels sailing to and/or from Anacortes; and 3) barring all 1996 summer vacations that had not been scheduled by May.

The matter was docketed as MEC Case No. 8-96. The Commission later determined pursuant to WAC 315-45-110 that the facts alleged may

constitute unfair labor practices if later found to be true and provable. A prehearing conference was scheduled for August 6, 1996. At the parties' request, the September 19, 1996 hearing was continued to October 11, 1996 and, later, to November 25, 1996. Commissioner David E. Williams was appointed to act as hearing examiner.

By facsimile on November 22, 1996, John Burns notified the MEC that the parties had negotiated a mutually agreeable settlement of this matter and requested the complaint be withdrawn. On December 2, 1996, MEC received a notice of withdrawal of the complaint from IBU counsel Cheryl French as well as signed copies of the parties' settlement agreement. Copies of the signed agreements are appended hereto and are included in 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 No. 8-96, is dismissed.

DONE this 9th day of December 1996.

MARINE EMPLOYEES' COMMISSION

/s/ HENRY L. CHILES, JR. Chairman

/s/ JOHN P. SULLIVAN, Commissioner

/s/ DAVID E. WILLIAMS, Commissioner

SETTLEMENT AGREEMENT

The Inlandboatmen's Union of the Pacific and the Washington State Ferry System agree to settle MEC Case No. 8-96 on the following terms:

1. WSF agrees that the parties' current contract and practice allows employees to request vacation after the December date specified for initial vacation selection in Rule 20.03. If staffing levels are such that vacation slots are available for requested dates, such vacation requests will be allowed based on seniority.
2. The vacation requests of the following people will be honored for the specified dates, unless staffing levels are such that vessels would not be able to sail as scheduled due to crew shortages:

Claudia Leahy	(to be added)
Stacey Peabody	(to be added)
Karen Paulson	Nov. 26-30
Mark Souve	Dec. 24-27
Casey Jones	Dec. 25 and 26
Lee Anderson	Dec. 24 and 25
Shawn Robles	Nov. 28-30; Dec. 24-26

In addition, two days of vacation pay will be reinstated for Mike Staffin.

WSF does not agree, and the IBU will not pursue through further MEC proceedings any claim on this issue for the period of time prior to this agreement for people who have not filed timely grievances on this issue.

3. If the Super Class ferries running out of Anacortes were operated for an extended period without the number of crew required by the contract, the parties' contract was violated. It is not the intention of WSF for this to occur on any watch. In a short crew situation, it is also not the intention of WSF to utilize terminal employees to fill deck positions when a deck employee is immediately available to board the vessel so it can sail as scheduled.
4. To the extent that WSF failed to pay short crew pay to crew working on the Anacortes run on the Super Class ferries which ran with a crew fewer than that required by the contract, WSF will pay those employees short crew pay. WSF will review all pay records for the Anacortes Super Class runs on all watches for the period of June 1, 1996 through September 14, 1996 to make sure short crew pay was paid properly.

5. WSF will review all of the grievances on file as of the date of this agreement concerning individuals who have complained that they would have worked on the Anacortes Super Class runs if they had been staffed properly and will pay such meritoriously grievances promptly.

6. The issue of the proper staffing levels for the Issaquah class ferries was not raised and is not settled as part of this agreement. That issue may be raised in separate proceedings by the IBU.

/s/ Jim Yearby
Washington State Ferry System

11/22/96
date

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

11/22/96
date