

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION OF)	
THE PACIFIC,)	MEC Case No. 9-00
)	
Complainant,)	DECISION NO. 260 – MEC
v.)	
)	ORDER DISMISSING
WASHINGTON STATE FERRIES,)	ADJUSTED COMPLAINT
)	
Respondent.)	

Schwerin, Campbell and Barnard, attorneys, by *Elizabeth Ford* and *Robert Lavitt*, appearing for and on behalf of the Inlandboatmen's Union of the Pacific.

Christine Gregoire, Attorney General, by *David Slown*, Assistant Attorney General, for and on behalf of Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on June 13, 2000, when Pete Jones, Regional Director for 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 within the meaning of RCW 47.64.130(1) by interfering with, restraining or coercing employees in the exercise of rights.

Specifically, IBU alleged that WSF made substantial changes to the Edmonds/Kingston route for summer 2000, resulting in a triple-back watch in which the crew takes the vessel to the oil dock at Harbor Island. Employees on the route signed a petition objecting to the changes. To address concerns, IBU and WSF entered into a Letter of Understanding which allowed WSF to extend a part-time shift to include an eight-hour shift for taking the vessel to the oil dock. The added four hours would not be at the overtime rate, there would be no rebidding or bumping. IBU asserted that in exchange for the Letter of Understanding, WSF agreed to change the Edmonds/Kingston schedule to one more favored by the crews. IBU alleged that in a meeting with WSF on June 5, 2000, Mike Manning informed the union that WSF would not change the schedule after all.

Following initial review of the complaint, the Commission determined that the facts alleged may constitute unfair labor practices, if later found to be true and provable. Commissioner David E. Williams was assigned to act as Hearing Examiner. A settlement conference, to be conducted by Commissioner John Sullivan, was scheduled for July 27, 2000 and a hearing for September 21, 2000.

Settlement attempts on July 27, 2000, were unsuccessful. The hearing date was continued to September 25, 2000, and again later to January 30, 2001. On January 5, 2001, the parties requested this matter be consolidated with MEC Case Nos. 24-00 and 37-00. They indicated that all three cases arose from the same set of facts. After a review of the facts and principles of law, the Commission ordered the cases consolidated for hearing on January 30, 2001.

During MEC's monthly meeting on January 26, 2001, IBU and WSF representatives requested that the January 30 hearing date be converted to an additional settlement conference. The parties believed there was a good chance the matters could yet be resolved with Commissioner Sullivan's assistance. MEC granted the request.

On January 30, 2001, the parties reached a mutually agreeable settlement of MEC Case No. 9-00 (Case 24-00 and 37-00 were not resolved). On February 2, 2001, Commissioner Sullivan provided the MEC office with a signed copy of the settlement agreement which constitutes withdrawal of the unfair labor practice complaint. The agreement is appended to and becomes a part of 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. 9-00, be dismissed.

DATED this 15th day of February 2001.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN D. NELSON, Chairman

/s/ JOHN P. SULLIVAN, Commissioner

/s/ DAVID E. WILLIAMS, Commissioner

**Settlement Agreement
MEC CASE No. 09-00**

FEB 1 2001
MARINE EMPLOYEES' COMMISSION
OLYMPIA, WA

Between

WASHINGTON STATE FERRIES
And
INLANDBOATMEN'S UNION OF THE PACIFIC

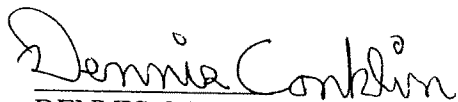
In full and complete settlement of the MEC Case No. 09-00, the Washington State Ferries (WSF) and the Inlandboatmen's Union of the Pacific (IBU) ("Parties"), do hereby agree as follows:

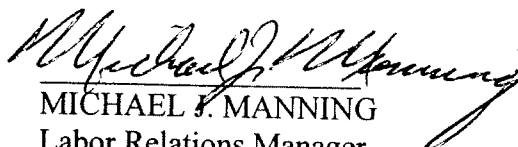
1. The WSF agrees to pay those IBU represented employees on the Edmonds-Kingston "D" Watch (during the fourteen (14) week period from June 18 – September 24, 2000), who did not receive eight (8) hours pay on the Monday extended hour fuel run, up to fourteen (14) hours of additional straight-time pay.
2. A fully executed copy of this agreement shall constitute a withdrawal of the above referenced unfair labor practice charge.

AGREED to this 30th day of January 2001

For the IBU:

For the WSF:


DENNIS CONKLIN
Passenger Industry Business Agent


MICHAEL S. MANNING
Labor Relations Manager