

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION)	MEC Case No. 5-95
OF THE PACIFIC,)	
)	DECISION NO. 144 - MEC
Complainant,)	
)	
v.)	ORDER DISMISSING
)	ADJUSTED COMPLAINT
WASHINGTON STATE FERRIES,)	
)	
Respondent.)	
)	

THIS MATTER came before the Marine Employees' Commission on May 16, 1995 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 within the meaning of RCW 47.64.130(1) by interfering with, restraining or coercing employees in the exercise of rights, and by refusing to bargain collectively with IBU.

Specifically, IBU alleged that in late April and early May, WSF initiated discipline against IBU members Dan Griffith, John Martin, Trevor Sharp, Carolyn Newman-Oxford, Roch McInnes and Dave Mickelbury. IBU charged WSF with violating these employees' rights and the Union's rights by: 1) refusing to allow the employees to be represented by a shop steward at meetings reasonably calculated to result in discipline; 2) refusing to allow some of the employees to have the assistance of an attorney while allowing other employees to have assistance of an attorney at meetings reasonably calculated to result in discipline; 3) refusing to provide the IBU with information on the basis of the discipline, which hampered IBU's ability to investigate employees' complaints and to assist

the employees in meetings reasonably calculated to result in discipline.

The matter was docketed as MEC Case No. 5-95. Letters acknowledging receipt of the ULP complaint were sent to the parties. The Commission subsequently determined, pursuant to WAC 315-45-110, that the facts alleged may constitute unfair labor practices if later found to be true and provable. Commissioner John P. Sullivan was appointed to act as hearing examiner.

A prehearing/settlement conference was convened on July 7, 1995. The hearing was scheduled for October 3, 1995.

By telephone on October 2, 1995, IBU notified MEC that the parties had reached a mutually agreeable settlement. A copy of the settlement provided by IBU is attached hereto.

ORDER

It is hereby ordered that the unfair labor practice complaint, filed by IBU against WSF and docketed as MEC Case No. 5-95 is dismissed.

DATED this 27th day of October 1995.

MARINE EMPLOYEES' COMMISSION

/s/ HENRY L. CHILES, JR. Chairman

/s/ JOHN P. SULLIVAN, Commissioner

/s/ DAVID E. WILLIAMS, Commissioner

SETTLEMENT PROPOSAL

MEC CASE NO. 5-95

The parties agree to settle MEC 5-95 case as follows:

1. The Ferry System has clarified the manner in which it schedules Loudermill hearings. See attached letter of June 12, 1995 from Jim Yearby. As described in that letter: (1) the Ferry System will not interfere with the right of employees to counsel exercised in a timely and proper fashion; and (2) the Ferry System will supply relevant information associated with Loudermill hearings in a timely and appropriate fashion.

2. The Ferry System will deal with the discipline imposed as follows:

a. Reduce Carolyn Newman-Oxford's discipline to a letter of reprimand, and pay Carolyn Newman-Oxford 8 hours pay and benefits by October 31, 1995. This settlement does not bar her separate grievance for early call-out on the day of her pre-disciplinary conference, but will for her grievance, or portion of a grievance, challenging the discipline imposed on her for leaving work early on April 14 and 21, 1995.

b. Remove the discipline letter issued to Dan Griffith on or before December 31, 1995, if the commits no further similar violations by that date.

c. Leave the suspension of Mickelbury as it is

3. With respect to the employment security issues affecting John Martin and Trevor Sharp, the Ferry System has not yet imposed any discipline. The union believes that any attempt to discipline Martin and Sharp would be barred by the facts and the rules of due process. The Ferry System disagrees, but agrees that if it chooses to impose discipline, it will schedule an entirely new Loudermill conference.

4. Except for a paragraph (1 and 3) hereof, this settlement shall not create a precedent or practice, and shall not be admissible in any proceeding for the purpose of establishing such a precedent, or practice.

Dated this ___ of _____, 1995.

/s/ Dennis W. Conklin

INLANDBOATMEN'S UNION

/s/ Jim Yearby

10/3/95

WASHINGTON STATE FERRIES