

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

ROBERT O'HARA,)	MEC Case No. 1-94
)	
Grievant,)	
)	DECISION NO. 111 - MEC
v.)	
)	ORDER DISMISSING
WASHINGTON STATE FERRIES,)	ADJUSTED COMPLAINT
)	
Respondent.)	
_____)	

Kevin A. Peck, attorney at law, appearing for and on behalf of Robert S. O'Hara.

Christine Gregoire, Attorney General, by Bryce Brown, Assistant Attorney General, representing Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on January 10, 1994 when Robert S. O'Hara filed a complaint against Washington State Ferries (WSF) alleging that WSF had engaged in unfair labor practices (ULPs) within the meaning of RCW 47.64.130 and WAC 316-45-003 by discharging and/or discriminating against O'Hara after he had filed charges or given testimony concerning subjects covered by chapter 47.64 RCW.

Specifically, O'Hara alleged that, after O'Hara had filed charges and given testimony concerning safety of ferry passengers and crews, WSF had delayed his promotion to able seaman, refused to correct a seniority date, miscalculated his pay and retirement benefits, wrongfully removed him from his job, conducted a disciplinary meeting without notifying O'Hara or allowing him union representation, and many other alleged ULPs.

Complainant O'Hara requested MEC to order WSF to restore lost wages and benefits, reimburse the PERS 2 Fund, reimburse O'Hara for out-of-pocket medical expenses, pay full severance pay or assign O'Hara to a shoreside position, reimburse O'Hara for expenses related to his complaint, and repay Employment Security for unemployment compensation.

Pursuant to WAC 316-45-110, MEC determined that the alleged facts, if later found to be true and provable, may have constituted unfair labor practices. The case was docketed as MEC Case No. 1-94 and assigned to Commissioner Louis O. Stewart to act as examiner. WAC 316-45-130.

On March 4, 1994 WSF filed a Motion for More Definite Statement of alleged facts. Examiner Stewart deferred ruling on the WSF motion to allow argument at the Settlement/Prehearing Conference which he scheduled and conducted on March 18, 1994.

During said conference, the parties retired to discuss settlement and did in fact return to stipulate terms of settlement and withdrawal of the complaint. An outline of the stipulated terms is recorded in the conference transcript, but the parties expressed the desire that the stipulation not be incorporated into an order of dismissal. The parties will file a joint statement of said terms, which will be "enforceable by the Commission."

ORDER

The complaint of unfair labor practices filed by Robert S. O'Hara against Washington State Ferries on January 10, 1994 and amended on March 15, 1994 is hereby dismissed without prejudice.

DONE THIS 31 day of March 1994.

MARINE EMPLOYEES' COMMISSION

/s/ HENRY L. CHILES, Chairman

/s/ DONALD E. KOKJER, Commissioner

/s/ LOUIS O. STEWART, Commissioner

