

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

In re the Petition of OFFICE AND PROFESSIONAL EMPLOYEES INTERNATIONAL UNION, LOCAL 8, for Clarification of the WASHINGTON STATE DEPARTMENT OF TRANSPORTATION, FERRIES DIVISION'S Vessel Work Order Manager Position.

MEC CASE NO. 13-10

DECISION NO. 596 - MEC

ORDER CLOSING
RESOLVED PETITION
FOR UNIT CLARIFICATION

Benita Hyder, Union Representative, appearing for the Office and Professional Employees International Union, Local 8 (OPEIU).

Robert McKenna, Attorney General, by *David Slown*, Assistant Attorney General, appearing for Washington State Department of Transportation, Ferries Division (WSF).

Vince Oliveri, Union Representative, appearing for the International Federation of Professional and Technical Engineers, Local 17 (IFPTE).

THIS MATTER came before the Marine Employees' Commission (MEC) on March 15, 2010, when Benita Hyder, representative for Office and Professional Employees International Union, Local 8, filed a Petition for Unit Clarification, docketed as MEC Case No. 13-10.

OPEIU's Petition sought to assert jurisdiction over a recently established Vessel Work Order Manager position at WSF. At the time of filing, the position was identified as being represented by IFPTE Local 17. OPEIU Local 8 alleged that a major portion of work done by this new classification was work historically done by an OPEIU worker and therefore the new classification should also be represented by OPEIU Local 8.

The MEC scheduled a settlement conference for June 7, 2010 with Chairman John Swanson serving as Mediator. Commissioner John Cox was appointed to serve as Hearing Officer and July 28, 2010 set for the hearing.

The MEC informed IFPTE Local 17 of the petition and included Local 17 in the proceedings as an interested party. Local 17's representative, Vince Oliveri, was not available on July 28, 2010, the date set for hearing; MEC continued the hearing to August 16.

Shortly thereafter, MEC learned that some current duties of the Vessel Work Order Manager position were originally part of a position that was represented by the Washington Federation of State Employees (WFSE). Gladys Burbank, WFSE Director of PERC Activities, was provided details of the filed petition, sent a copy of the MEC file and informed of the scheduled proceedings. Ms. Burbank was asked to notify the Commission if WFSE wanted to be a party to the matter. The Commission heard nothing further from WFSE.

The OPEIU and IFPTE Local 17 engaged in settlement discussions on June 7, 2010. Thereafter, the Department of Personnel was to provide them with additional information.

OPEIU requested the August 16 hearing be continued, to allow OPEIU and WSF to use the date for additional contract bargaining. MEC rescheduled the hearing for November 16. The parties gathered for the hearing, but it was not convened. Instead, the parties chose to spend time discussing resolution further.

By letter on December 16, 2010 Benita Hyder, OPEIU, notified the MEC that this matter has been resolved and withdrew the petition.

ORDER

It is hereby ordered that the unit clarification petition, filed by the OPEIU and docketed as MEC Case No. 13-10, is closed in acknowledgment of the parties' agreement.

DATED this 19th day of January 2011.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN COX, Commissioner