

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

OFFICE AND PROFESSIONAL  
EMPLOYEES INTERNATIONAL  
UNION, LOCAL 8,

Complainant,

v.

WASHINGTON STATE DEPARTMENT  
OF TRANSPORTATION, FERRIES  
DIVISION,

Respondent.

MEC CASE NO. 17-09

DECISION NO. 577 - MEC

ORDER CLOSING  
SETTLED COMPLAINT

*Suzanne Mode*, Business Manager and *Benita Hyder*, Union Representative, appearing for Office and Professional Employees International Union, Local 8 (OPEIU).

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

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on June 10, 2009, when Shannon Halme, then representative for Office and Professional Employees International Union, Local 8, filed an unfair labor practice complaint, MEC Case No.17-09, against the Washington State Ferries.

OPEIU'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 dominating or interfering with the formation or administration of an employee organization.

Specifically, OPEIU alleged that WSF/DOT assigned Personnel Assistant 1 and Personnel Assistant 2 coding responsibilities of the Human Resource Management System data entry to non-OPEIU 8 bargaining unit positions at the Department of Transportation's Olympia office. The OPEIU asserted that WSF's actions undermine the Union's ability to represent WSF members by removing duties, positions and ultimately the Union from representation of office and clerical employees at WSF.

Following review of OPEIU's complaint, the Commission determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable. A settlement conference was set for October 21, 2009 with Commissioner Patricia Warren assigned to serve as Mediator. Chairman John Swanson was designated to act as Hearing Examiner; the hearing was scheduled for December 15, 2009.

The parties were unable to resolve the issue during the October 21, 2009 settlement conference. On December 9, Suzanne Mode requested that the December 15 hearing be cancelled, as she had an unavoidable schedule conflict. Examiner Swanson granted the request. The parties continued informal settlement discussions.

By letter on January 6, 2010, OPEIU Business Manager Suzanne Mode withdrew Case 17-09, providing the MEC with a copy of the signed agreement. That 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 OPEIU against WSF and docketed as MEC Case No. 17-09, is closed in acknowledgment of the parties' settlement agreement.

DATED this 5th day of February 2010.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ PATRICIA WARREN, Commissioner

/s/ JOHN COX, Commissioner

JAN 06 2010

MARINE EMPLOYEES' COMMISSION  
OLYMPIA, WA

## Settlement Agreement

By and Between  
The Office and Professional Employees International Union (OPEIU)  
and  
The Washington State Department of Transportation-Ferries Division (WSF)  
and  
The State of Washington

Regarding  
OPEIU Unfair Labor Practice Charge (MEC Case No. 17-09)  
and  
OPEIU Demand To Bargain  
(Consolidation of HRMS Data Input-Keying/Scanning)

### AGREEMENT BETWEEN THE PARTIES:

The parties, the Office and Professional Employees International Union (Union), the Washington State Department of Transportation-Ferries Division, and the State of Washington, to the above referenced Unfair Labor Practice Charge and Demand To Bargain enter into this agreement under the following terms and conditions:

### WSDOT AGREES:

- As a result of the Human Resource Management System (HRMS) consolidation (keying/scanning functions), Ms. Joan Van Hoy will not incur any reduction in her full-time status in her current position (A0208).
- As a result of the Human Resource Management System (HRMS) consolidation (keying/scanning functions), Ms. Marivic Feliciano will not incur any reduction in her full-time status in her new position (A0216), as outlined in the payroll consolidation settlement agreement.
- That, if in the future WSDOT finds that further changes to the HRMS keying/scanning function will result in the reduction in hours for positions A0208 & A0216, WSDOT will provide not less than ninety (90) days written notice to OPEIU regarding said changes.

### IT IS HEREBY FURTHER AGREED:

- This agreement constitutes complete and full resolution concerning the above referenced Unfair Labor Practice Charge and Demand To Bargain.
- By entering in to this agreement, the OPEIU releases the State of Washington, WSDOT/WSF, its officers, agents, employees, and agencies from all claims, causes of action, grievances, unfair labor practice complaints, and/or suits, civil or otherwise, known or unknown, based upon actions taken in their official capacities that arise out of or relate to the above referenced Unfair Labor Practice Charge and Demand To Bargain. This includes, but is not limited to, any claims and/or causes of action under Title VII, the Washington Law Against Discrimination, the Americans with Disabilities Act, the Fair Labor Standards Act, Washington Minimum Wage Act, and/or the Family Medical Leave Act.

- This agreement and the mutual obligations under this agreement do not constitute an admission by any party as to the validity of any claims or defenses of any other party.
- This agreement is not precedent setting and does not/will not establish a practice of any kind.
- That OPEIU will submit a copy of this agreement and a Notice of Withdrawal to the Marine Employees Commission concerning the above referenced Unfair Labor Practice Charge (MEC Case No. 17-09) within ten (10) calendar days from the date that the final signature is attached to this agreement.
- That OPEIU's Demand To Bargain is considered withdrawn effective the date that the final signature is attached to this agreement.
- This agreement shall become effective on the date of final signature.

Signed and agreed:

Raymond J. Gode 12/23/09  
OPEIU DATE

Robert T. Deen 12/23/09  
WSDOT DATE

Glen H. Faye 12/29/09  
State of Washington DATE