

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

DISTRICT NO. 1, MARINE
ENGINEERS' BENEFICIAL
ASSOCIATION,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 21-05

DECISION NO. 438 - MEC

ORDER CLOSING
SETTLED COMPLAINT

Reid, Pedersen, McCarthy and Ballew, by *Thomas Leahy*, Attorney, appearing for District No. 1, Marine Engineers' Beneficial Association.

Christine Gregoire, Attorney General, by *David Slown*, Assistant Attorney General, appearing for Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission on October 26, 2004, when District No. 1, Marine Engineers' Beneficial Association (MEBA) filed an unfair labor practice complaint against Washington State Ferries (WSF). The complaint was docketed as MEC Case 21-05.

In its complaint, MEBA charged WSF with engaging in unfair labor practices within the meaning of RCW 47.64.130(1) by refusing to bargain collectively with representatives of employees. Specifically, MEBA alleged that WSF unilaterally implemented a change in working conditions without bargaining. The alleged claim involved employee parking restrictions at Port Townsend which MEBA asserted violated section 12, paragraph (h) of the Licensed CBA and Rule 10A, paragraph 10A.10 of the Unlicensed CBA.

Pursuant to WAC 316-45-110, following initial review of the complaint, the MEC determined that the facts alleged may constitute an unfair labor practice, if later found to be true and

provable. Chairman John Swanson was assigned to serve as Mediator at the settlement conference scheduled for January 14, 2005. Commissioner Elizabeth Ford was designated to act as Hearing Examiner at the hearing scheduled on May 25, 2005.

At the conclusion of the January 14 settlement conference, the parties were close to resolving the matter.

By letter dated February 16, 2005, MEBA Counsel Thomas Leahy withdrew MEBA's unfair labor practice complaint.

ORDER

It is hereby ordered that the unfair labor practice complaint, filed by District No. 1 MEBA against WSF and docketed as MEC Case No. 21-05, is closed in acknowledgment of MEBA's withdrawal.

DATED this 25th day of February 2005.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner