

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

DISTRICT NO. 1, MARINE ENGINEERS)	
BENEFICIAL ASSOCIATION,)	MEC Case No. 4-00
)	
Complainant,)	DECISION NO. 236 – MEC
)	
v.)	ORDER OF DISMISSAL
)	
WASHINGTON STATE FERRIES,)	
)	
)	
Respondent.)	
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Davies, Roberts and Reid, attorneys, by Michael R. McCarthy, appearing for and on behalf of District No. 1, Marine Engineers Beneficial Association.

Christine Gregoire, Attorney General, by David Slown, Assistant Attorney General, for and on behalf of Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on April 11, 2000, when District No. 1, Marine Engineers Beneficial Association (MEBA) filed an unfair labor practice against the Washington State Ferries (WSF). MEBA's complaint charged WSF with engaging in unfair labor practices within the meaning of RCW 47.64.130 by interfering with, restraining or coercing employees in the exercise of rights.

MEBA alleged that WSF: 1) violated Greg Herz' rights under Weingarten by misrepresenting the intent of the original meeting held with Mr. Herz; 2) violated Herz' rights under Loudermill by failing to schedule a meeting to allow Mr. Herz opportunity to present his statement in response to disciplinary action and by refusing to allow him to enter evidence into the record; 3) violated Mr. Herz' rights and protection under U.S. Coast Guard rules and regulations by failing to notify him that he had been logged in the vessel log book and failing to allow him to enter his statement into the log.

Following review of the initial complaint, the Commission requested additional information in order to determine whether the facts alleged might constitute an unfair labor practice, if later found to be true and provable. MEBA union representative, Pare Abbott, provided the MEC with additional information on April 24, 2000.

On May 12, 2000, Attorney Michael McCarthy filed a Notice of Appearance in the case and a request that MEC postpone any initial determination in the complaint, to allow him time to amend the charges. On May 16, 2000, MEC received a letter from WSF's Assistant Attorney General, David Slown, asking the Commission to reject Case 4-00. The Commission granted MEBA's request for additional time (to May 31) in which to amend the complaint.

By facsimile on May 31, 2000, MEBA attorney, Michael McCarthy advised the MEC that following discussion of the matter with AAG Slown, the union agreed to withdraw the unfair labor practice complaint and file a request for grievance arbitration instead. Mr. McCarthy's letter indicated that WSF agreed to waive all timeliness defenses.

A copy of Mr. McCarthy's letter conveying the parties' agreement is appended to and included in this Order by reference.

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ORDER

It is hereby ordered that the unfair labor practice complaint filed by MEBA against WSF and docketed as MEC Case No. 4-00, be dismissed.

DATED this _____ day of June 2000.

MARINE EMPLOYEES' COMMISSION

HENRY L. CHILES, JR., Chairman

JOHN P. SULLIVAN, Commissioner