

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

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| OFFICE AND PROFESSIONAL |) | MEC Case No. 4-96 |
| EMPLOYEES' INT'L UNION, |) | and |
| |) | MEC Case No. 6-96 |
| Complainant, |) | |
| |) | DECISION NO. 155 - MEC |
| v. |) | |
| |) | ORDER OF DISMISSAL |
| WASHINGTON STATE FERRIES, |) | |
| |) | |
| Respondent. |) | |
| |) | |

THIS MATTER came before the Marine Employees' Commission on April 24, 1996 and May 8, 1996 when the Office and Professional Employees' International Union (OPEIU) filed an unfair labor practice complaints against Washington State Ferries (WSF).

OPEIU's complaint of April 24, 1996 (MEC Case No. 4-96) 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 by refusing to bargain collectively with OPEIU. Specifically, OPEIU alleged that WSF consistently refused to bargain with the union over a 4% cost-of-living wage adjustment, appropriated by the state Legislature for ferry workers, to be effective July 1, 1995. WSF refused to implement the increase until after OPEIU ratified its 1995-1997 contract.

OPEIU's complaint of May 8, 1996 (MEC Case No. 6-96) 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. OPEIU alleged that during a meeting on September 21, 1995, WSF Director of Human Resources, Jim Yearby made derogatory and threatening remarks concerning OPEIU's 1995-1997 Collective Bargaining Agreement. On April 1, 1996 OPEIU received a letter and WSF's 95-97 Contract Proposal from Jim Yearby. OPEIU regarded WSF's letter, Contract Proposal and ensuing behavior as physical embodiments of the threat made on September 21, 1995.

The complaints were docketed as noted above. Letters acknowledging receipt of the ULP complaints were sent to the parties. Copies of the complaint were distributed for review and processing by the MEC.

Commissioner David E. Williams was assigned to act as hearing examiner. A hearing was scheduled in MEC Case No. 4-96 for July 2 and 3, 1996. MEC Case No. 6-96 was later consolidated for purposes of hearing with Case No. 4-96. A prehearing/settlement conference was scheduled in Case No. 6-96 for June 25, 1996. On June 14, 1996, AAG Gretchen Gale requested a one-week continuance of the answer due date, which was granted.

By facsimile on June 20, 1996, OPEIU Representative, Jim Johnson, notified MEC that the parties had reached a settlement of both matters. He requested withdrawal of the complaints.

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ORDER

It is hereby ordered that the unfair labor practice complaints, filed by OPEIU against WSF and docketed as MEC Case No. 4-96 and MEC Case No. 6-96, are dismissed.

DATED this 28th day of June 1996.

MARINE EMPLOYEES' COMMISSION

/s/ HENRY L. CHILES, JR. Chairman

/s/ JOHN P. SULLIVAN, Commissioner

/s/ DAVID E. WILLIAMS, Commissioner

