

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

OFFICE AND PROFESSIONAL
EMPLOYEES INTERNATIONAL
UNION, LOCAL 8,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 40-03

DECISION NO. 368 - MEC

ORDER DISMISSING
ADJUSTED COMPLAINT

Schwerin, Campbell and Barnard, by *Dmitri Iglitzin*, Attorney, appearing for Office and Professional Employees International Union, Local 8.

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 (MEC) on March 13, 2003, when Eric Smith, representative for Office and Professional Employees International Union, Local 8, (OPEIU), filed an unfair labor practice complaint against the Washington State Ferries (WSF). The matter was docketed as MEC Case No. 40-03.

OPEIU's complaint 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, OPEIU alleged that WSF insisted on including a particular proposal in the 2001-2003 contract bargaining, which OPEIU contended should not apply to the OPEIU bargaining unit.

Following review of the complaint, the Commission determined that the facts alleged may constitute unfair labor practices, if later found to be true and provable.

On March 21, 2003, WSF filed a request for binding arbitration (of the OPEIU/WSF 2001-2003 collective bargaining agreement), pursuant to RCW 47.64.240 and WAC 316-55-500. Later the same day, OPEIU wrote to the MEC stating the union believed its ULP, MEC Case No. 40-03, should be resolved prior to the arbitration process.

The MEC scheduled a settlement conference for April 8, 2003, with Commissioner John Sullivan acting as Mediator. The Commission determined it would hold WSF's interest arbitration request in abeyance until Case 40-03 was resolved. The parties did not resolve the issue during the conference, however, OPEIU requested additional information from WSF. The parties requested a second settlement conference, to be held some time after receipt of the information.

MEC scheduled a second settlement conference for May 6, 2003. Chairman John Nelson was assigned to act as Hearing Examiner and a hearing scheduled for June 17, 2003.

During the May 6 settlement conference, with Commissioner Sullivan's assistance, the parties reached agreement. Commissioner Sullivan forwarded the parties' signed settlement agreement (which includes OPEIU's withdrawal of the complaint) to the MEC office. That agreement (MEC received May 8) is appended to and becomes a part of this Order by reference. WSF withdrew its declaration of impasse as to the 2001-2003 collective bargaining agreement between the parties. OPEIU and WSF agreed all unresolved issues in that contract are open for continuing negotiations.

//

//

ORDER

It is hereby ordered that the unfair labor practice complaint, filed by OPEIU against WSF and docketed as MEC Case No. 40-03, be dismissed.

DATED this 14th day of May 2003.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

SETTLEMENT AGREEMENT
MEC Case No. 40-03

The parties, Washington State Ferries (WSF) and Office of Professional Employees' International Union, (OPEIU), in full and complete settlement of MEC Case No. 40-03, do hereby agree as follows:

WSF Agrees:

1. To withdraw its declaration of impasse as to the 2001-2003 biennial collective bargaining agreement between WSF and OPEIU.

WSF and OPEIU Agree:

1. That all unresolved issues in the 2001-2003 biennial collective bargaining agreement are open for continuing negotiations.

OPEIU Agrees:

2. To withdraw MEC Case No. 40-03. A signed copy of this Agreement shall constitute a request for withdrawal, and may be presented by any party.

The Parties Mutually Agree:

1. To return to negotiations for the 2001-2003 biennial collective bargaining agreement as soon as mutually convenient, to negotiate resolution of all outstanding issues.

Date this sixth day of May, 2003.

/s/ Eric Smith
OPEIU

/s/ Michael Manning
WSF