

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INTERNATIONAL ORGANIZATION OF)	MEC Case No. 48-00
MASTERS, MATES & PILOTS,)	
)	DECISION NO. 266 – MEC
Complainant,)	
)	ORDER DISMISSING
v.)	ADJUSTED COMPLAINT
)	
WASHINGTON STATE FERRIES,)	
)	
Respondent.)	

Captain Steve Demeroutis, appearing for and on behalf of the International Organization of Masters, Mates and Pilots.

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 December 19, 2000, when the International Organization of Masters, Mates and Pilots (MM&P) filed an unfair labor practice complaint against the Washington State Ferries (WSF). MM&P'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 by refusing to bargain collectively with representatives of employees.

Specifically, MM&P charged WSF with failure to adhere to terms of the settlement of a grievance brought by MM&P member Mark Brower. MM&P alleged that on August 9, 2000, WSF and MM&P agreed to a formula for calculating wages owed to Mr. Brower. WSF calculated the wages using the agreed-upon formula and conveyed (on September 22) the calculated total to Captain Demeroutis, MM&P, who informed the grievant. MM&P asserted that in November 2000, WSF informed MM&P that it had erred and would not settle the case on the previously agreed terms.

Following review of the initial complaint, the Commission determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable. Commissioner David E. Williams was assigned to act as Hearing Examiner. A settlement conference was scheduled for March 1, 2001 and a hearing for April 13, 2001. In the aftermath of the February 28 Nisqually earthquake, the settlement conference was cancelled and continued to March 20, 2001.

On March 20, with Commissioner John Sullivan acting as Mediator, the parties reached a mutually agreeable settlement. Commissioner Sullivan forwarded the original, signed settlement agreement to the MEC (received on March 21). The agreement constitutes a request for withdrawal as well. It 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 MM&P against WSF and docketed as MEC Case No. 48-00, be dismissed.

DATED this 23rd day of March 2001.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN D. NELSON, Chairman

/s/ JOHN P. SULLIVAN, Commissioner

/s/ DAVID E. WILLIAMS, Commissioner

ORDER DISMISSING
ADJUSTED COMPLAINT-2-

SETTLEMENT AGREEMENT
MEC Case 48-00

In full and complete settlement of MEC Case 48-00, and of the underlying grievance arbitration on the same issue, Washington State Ferries agrees to pay Mark Brower additional wages in the amount of \$4,212.00. The International Organization of Masters, Mates and Pilots agrees to withdraw MEC Case 48-00, and grievance #MMP 98-10. A signed copy of this agreement shall constitute a request for withdrawal. Payment shall be made by April 13, 2001.

/s/ Michael Manning
for WSF

/s/ [illegible]
for MM&P

dated this 20th day of March, 2001.