

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

ED CASPERS,

Complainant,

v.

DISTRICT NO. 1, MARINE  
ENGINEERS' BENEFICIAL  
ASSOCIATION and WASHINGTON  
STATE FERRIES,

Respondents.

MEC CASE NO. 48-02

DECISION NO. 357 - MEC

ORDER OF DISMISSAL

*Ed Caspers*, appearing for himself.

Davies, Roberts & Reid, by Attorney, *Thomas Leahy*, 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 (MEC) on May 22, 2002, when Ed Caspers filed an unfair labor practice complaint against District No. 1, Marine Engineers' Beneficial Association (MEBA) and the Washington State Ferries (WSF). The matter was docketed as MEC Case No. 48-02.

**Ed Caspers' complaint charged MEBA** with engaging in unfair labor practices within the meaning of RCW 47.64.130(2) by restraining or coercing employees in the exercise of the rights guaranteed by RCW 47.64.130 and WAC 316-45-003; and by refusing to bargain collectively with an employer when it is the representative of its employees subject to RCW 47.64.170.

**Ed Caspers' 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; encouraging or discouraging membership in an employee organization by discrimination in regard to: hiring tenure, any term or condition of employment; discharging or otherwise discriminating against an employee after employee has filed charges or given testimony concerning subjects covered by chapter 47.64 RCW; and refusing to bargain collectively with representatives of employees.

Specifically, Mr. Caspers alleged that WSF arbitrarily changed working conditions contained in Section 9 of the collective bargaining agreement, and that both WSF and MEBA refused to bargain the changes. Mr. Caspers asserted that the unfair labor practice occurred on May 16, 2001, aboard the MV Elwha and referenced MEC Case 24-02 (a grievance request he filed with the Commission on January 14, 2002).

Following initial review of the complaint, the Commission determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable. Commissioner John Byrne was designated to act as Hearing Examiner; the hearing was scheduled for October 11, 2002.

On September 27, 2002, MEBA counsel filed a Motion for Summary Judgment requesting that MEC dismiss Mr. Caspers complaint. On October 4, 2002, the MEC cancelled the October 11 hearing and issued a notice setting a deadline of October 18, 2002 for Mr. Caspers to respond to MEBA's Motion. By letter on October 16, 2002, Ed Caspers withdrew that portion of his complaint filed against MEBA.

MEC rescheduled the remaining charge against WSF for hearing on January 27, 2003. On January 24, 2003, AAG Slown, WSF counsel, notified MEC that Mr. Caspers and WSF had agreed on settlement of the matter. By letter on the same date, Mr. Caspers withdrew Case 48-02.

**ORDER**

It is hereby ordered that the unfair labor practice complaint, filed by Ed Caspers against District No. 1 MEBA and WSF and docketed as MEC Case No. 48-02, be dismissed in its entirety.

DATED this \_\_\_\_\_ day of February 2003.

MARINE EMPLOYEES' COMMISSION

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JOHN NELSON, Chairman

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JOHN SULLIVAN, Commissioner

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JOHN BYRNE, Commissioner