

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

PUGET SOUND METAL TRADES
COUNCIL,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 9-06

DECISION NO. 470 - MEC

ORDER CLOSING
SETTLED COMPLAINT

Reid, Pedersen, McCarthy and Ballew, by *Kenneth Pedersen*, Attorney, appearing for the Puget Sound Metal Trades Council.

Rob McKenna, Attorney General, by *David Slown*, Assistant Attorney General, appearing for the Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on September 29, 2005 when the Puget Sound Metal Trades Council (PSMTC) filed an unfair labor practice complaint against the Washington State Ferries (WSF). The matter was docketed as MEC Case No. 9-06.

PSMTC'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; dominating or interfering with the formation or administration of an employee organization; encouraging or discouraging membership in an employee organization by discrimination in regard to: hiring, tenure, any term or condition of employment; and refusing to bargain collectively with representatives of employees.

Specifically, PSMTC alleged that WSF contributed support to a rival union. PSMTC asserted that on September 21, 2005, WSF Eagle Harbor management convened a "Foremen's

Meeting” and discussed how individuals represented by the Union might seek new representation by a union other than PSMTC.

Following review of PSMTC’s complaint, the MEC determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable. A settlement conference was scheduled for January 20, 2006 with Commissioner John Sullivan assigned to serve as Mediator. Commissioner Elizabeth Ford was designated to act as Hearing Examiner and a February 17, 2006 hearing scheduled.

The PSMTC and WSF reached agreement during the January 20 settlement conference. On that date, the MEC received a copy of the parties’ signed settlement agreement, which constitutes withdrawal of the complaint. A copy of the agreement 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 PSMTC against WSF and docketed as MEC Case 9-06, is closed in acknowledgment of the parties’ settlement agreement.

DATED this 24th day of February 2006.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner

SETTLEMENT AGREEMENT
MEC Case No. 9-06

IN FULL AND COMPLETE SETTLEMENT of MEC Case No. 9-06, the parties, The Puget Sound Metal Trades Council, (PSMTC), and Washington State Ferries (WSF) do agree as follows:

WASHINGTON STATE FERRIES AGREES:

1. To post, for a period of sixty (60) days, commencing January 23, 2006, the notice appended to this agreement as Attachment A. The posting shall be in the employee lunch room bulletin board at the Eagle Harbor Repair Facility, as well as the bulletin board in each shop at the Repair Facility, if available. The notice shall be posted in a manner free from obstruction and readily accessible to all employees;
2. To cease and desist from any and all conduct in derogation of the Metal Trades Council.

THE PUGET SOUND METAL TRADES COUNCIL AGREES:

1. To the withdrawal of MEC Case No. 9-06. A copy of this settlement agreement shall constitute a request for withdrawal, and may be presented by either party.

Signed this 20th day of January, 2006.

WASHINGTON STATE FERRIES
SYSTEM

/s/ Paul Elsey
Labor Relations Negotiator

PUGET SOUND METAL TRADES
COUNCIL

/s/ Robert Scott
President

NOTICE

THE **MARINE EMPLOYEES' COMMISSION**, A STATE AGENCY, HELD A SETTLEMENT CONFERENCE ON JANUARY 20, 2006, IN WHICH ALL PARTIES WERE PERMITTED TO SPEAK TO THE ISSUES. BASED ON THAT CONFERENCE, WE **THE WASHINGTON STATE FERRIES**, ACKNOWLEDGED COMMITTING UNFAIR LABOR PRACTICES IN VIOLATION OF A STATE COLLECTIVE BARGAINING LAW, AND HAVE AGREED TO **POST THIS NOTICE** TO OUR EMPLOYEES:

WE UNLAWFULLY caused a Memorandum dated September 22, 2005 to be circulated at the Eagle Harbor Repair Facility noting that Washington State Ferries management had arranged for a rival union to meet and speak to members of the Eagle Harbor Repair Facility bargaining unit represented by the Puget Sound Metal Trades Council and its affiliates.

WE UNLAWFULLY, in that same Memorandum, wrote that one purpose of said meeting was to confer with the rival union regarding "how to organize a new union."

WE UNLAWFULLY interfered with our employees in the exercise of the collective bargaining rights under state law.

TO REMEDY OUR UNFAIR LABOR PRACTICES:

WE WILL disavow the contents of the September 22, 2005 Memorandum in its entirety.

WE WILL cease and desist from any effort to promote or encourage any employees of the Ferry System to leave their current union and affiliate with any other.

WE WILL post this notice in prominent locations at the Eagle Harbor Ship Repair Facility, including the lunchroom bulletin board, and bulletin boards in each shop at the Repair Facility.

WE WILL place a copy of this Notice and the Settlement Agreement in the minutes of the next Foremen's Meeting.

WE WILL advise the President of the Puget Sound Metal Trades of all scheduled Foremen's Meetings at least twenty-four (24) hours in advance and permit the President to designate a representative to attend said meetings as an observer, in his discretion.

WE WILL NOT invite representatives of rival unions to address our currently represented employees.

WE WILL NOT, in any other manner, interfere with, restrain, or coerce our employees in the exercise of their collective bargaining rights under the laws of the State of Washington.

DATED this 20th day of January, 2006.

Washington State Department of Transportation,
Operating the Washington State Ferries

By /s/ Paul Elsey
Authorized Representative

**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE
DEFACED BY ANYONE.**

This notice must remain posted for 60 consecutive days from the date of posting, and must not be altered, defaced, or covered by any other material. Questions concerning this notice or compliance with the order issued by the Commission may be directed to the Marine Employees' Commission, Evergreen Plaza Building, P.O. Box 40902, Olympia, WA, 98504-0902. Telephone: (360) 586-6354.