

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

INTERNATIONAL ORGANIZATION OF)	MEC Case No. 1-99
MASTERS, MATES AND PILOTS,)	
)	
Complainant,)	DECISION NO. 209-MEC
)	
v.)	
)	ORDER DISMISSING
WASHINGTON STATE FERRIES,)	ADJUSTED COMPLAINT
)	
Respondent.)	
_____)	

Steven Ross, attorney at law, 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 January 29, 1999, 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 by: (1) interfering with, restraining or coercing employees in the exercise of rights; and (2) refusing to bargain collectively with representatives of employees.

MM&P alleged that WSF unilaterally changed the printed Anacortes-San Juan work schedules, effective February 14, 1999, without consulting with the union as required by the collective bargaining agreement. The parties agreed in the CBA, to meet at least quarterly to examine existing work schedules and recommend improvements. Participating union representatives were to be paid eight hours at their regular straight-time rate for each meeting. The revised schedule resulted in new shifts that were not "as close to eight (8) hours as possible," as required by the contract language (Sec. 8.02). MM&P also provided notice to the MEC and WSF of its intent to move for temporary injunctive relief to maintain the status quo regarding the Anacortes-San Juan work schedules.

Following review, the Marine Employees' 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 appointed to act as hearing examiner. A settlement conference was scheduled for February 8, 1999 and the hearing for March 5, 1999.

Commissioner John Sullivan and Director Janis Lien conducted the settlement conference on February 8, 1999, at which time the parties resolved the dispute.

By letter dated February 9, 1999, MM&P counsel Steven Ross withdrew MEC Case No. 1-99. A copy of the settlement agreement is appended hereto and included in the 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. 1-99, be dismissed.

DATED this 26th day of February 1999.

MARINE EMPLOYEES' COMMISSION

/s/ HENRY L. CHILES, JR., Chairman

/s/ JOHN P. SULLIVAN, Commissioner

/s/ DAVID E. WILLIAMS, Commissioner

Settlement of MEC Case 1-99

In full and complete settlement of MEC case 1-99, it is hereby agreed, by and between the International Organization of Masters, Mates & Pilots (IOMM&P) and Washington State Ferries (WSF), as follows:

1. The parties mutually reaffirm the provisions of Rule 8.02 of their Collective bargaining Agreement (CBA).
2. The parties agree that a more structured framework for implementation of Rule 8.02 is desirable and will benefit both parties, as compared with the prior practice of implementation of this provision.
3. The parties agree to meet on February 18, 1999 to discuss work schedules and other matters incidental to the changes to the Spring 1999 Sailing Schedule on the Anacortes - San Juan's runs, and 1999 Summer Sailing Schedule.
4. Prior to the February 18, 1999 meeting, WSF shall provide to IOMM&P proposals for Memoranda of Understanding regarding shift changes resulting in shifts exceeding nine hours, work schedules, and other material bearing upon scheduling. The parties mutually agree to provide all such materials, including but not limited to draft schedule changes, on a continuing basis for all future schedule changes.
5. The Parties Agree to four pre-scheduled meetings per year to implement Rule 8.02. The February 18, 1999 meeting shall be deemed the first meeting of 1999. At that meeting, the parties shall discuss factors bearing on the scheduling of future quarterly meetings. Within 10 days, WSF shall advise the IOMM&P in writing of the dates for the remaining three meetings for 1999.
6. For 2000 and succeeding years, WSF shall advise the IOMM&P in writing of the dates of all four meetings prior to January 1 of the year in question.
7. As a remedy for perceived inequities in the past administration of the CBA of the parties, it is hereby agreed that on February 12, 1999, two representatives of the IOMM&P shall meet with representatives of WSF for the purpose of receiving, reviewing, and examining all materials provided pursuant to paragraph 4 of this agreement. The said IOMM&P representatives shall be entitled to eight hours pay at the straight-time rate of pay.

Settlement of MEC Case 1-99

Further, two designated representatives of the IOMM&P shall be paid eight additional hours pay at the straight-time rate, as compensation for no meeting having been held in the final quarter of 1998.

The parties mutually agree that these remedial payment arrangements are fact-specific, non-precedential, and may not be considered by any third-party decision maker for any purpose whatsoever. This settlement was agreed on February 8, 1999.

For WSF

For MM&P

Michael Manning
David A. Nelson
Date: 2/11/99

Mr. E. Gordon Smith
Mark L. Hargis
Date: 2/12/99