

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

DISTRICT NO. 1, MARINE
ENGINEERS' BENEFICIAL
ASSOCIATION,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 11-09

DECISION NO. 558 - MEC

ORDER CLOSING
SETTLED COMPLAINT

Reid, Pedersen, McCarthy and Ballew, by *Thomas Leahy*, Attorney, appearing for District No. 1, Marine Engineers' Beneficial Association.

Robert McKenna, Attorney General, by *Don Anderson*, Assistant Attorney General, appearing for Washington State Department of Transportation, Ferries Division.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on February 6, 2009, when District No. 1, Marine Engineers' Beneficial Association (MEBA) filed an unfair labor practice complaint, MEC Case 11-09, against Washington State Department of Transportation, Ferries Division (WSF).

The MEBA'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, MEBA alleged that WSF took away historical MEBA bargaining unit work, without giving proper notice and meeting its bargaining obligations under RCW 47.64, when it awarded a charter agreement to Victoria Rapid Transit to transport passengers related to the Hood Canal bridge closure.

Following review of the MEBA's complaint, the Commission determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable. Chairman John Swanson was assigned as Mediator for the settlement conference scheduled on April 6, 2008. Commissioner Patricia Warren was designated to act as Hearing Examiner and a hearing scheduled for May 8, 2009. MEBA and WSF made progress toward resolution during the April 6 conference.

During the April 24, 2009 MEC monthly meeting, the parties announced they had finalized a Letter of Understanding (LOU) to resolve this matter. Following the meeting, the parties signed the LOU and provided the MEC with a copy, which is appended to and becomes a part of this Order by reference. On May 4, MEBA Business Agent Jeff Duncan withdrew the complaint.

ORDER

It is hereby ordered that the unfair labor practice complaint, filed by MEBA against WSF and docketed as MEC Case 11-09, is closed in acknowledgement of the parties' Letter of Understanding..

DATED this 26th day of May 2009.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ PATRICIA WARREN, Commissioner

/s/ JOHN COX, Commissioner