

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

OFFICE AND PROFESSIONAL  
EMPLOYEES INTERNATIONAL  
UNION, LOCAL 8,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 13-05

DECISION NO. 441 - MEC

ORDER CLOSING  
SETTLED COMPLAINT

*Shannon Halme*, Union Representative, appearing for Office and Professional Employees International Union, Local 8.

Robert McKenna, 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 September 17, 2004, when Shannon Halme, representative for Office and Professional Employees International Union, Local 8, (OPEIU), filed an unfair labor practice complaint against the Washington State Ferries (WSF). The matter was docketed as MEC Case No. 13-05.

OPEIU'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 dominating or interfering with formation or administration of an employee organization.

Specifically, OPEIU alleged that WSF assigned OPEIU Local 8 bargaining unit work to non-bargaining unit employees.

Following 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.

On September 24, 2004, the parties participated in a settlement conference with Commissioner John Sullivan serving as mediator. A tentative agreement was reached, but apparently no further progress made, when on December 10, 2004, OPEIU representative Shannon Halme requested that the MEC schedule another settlement conference.

A second settlement conference was scheduled for March 15, 2005, at which time the parties reached agreement. Commissioner Sullivan forwarded a copy of the signed agreement to the MEC office (which constitutes a request for withdrawal of the complaint). That agreement (received March 16) 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 OPEIU against WSF and docketed as MEC Case No. 13-05, is closed in acknowledgment of the parties' settlement agreement.

DATED this 20th day of April 2005.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner

**Settlement Agreement**

**MEC Cases 2-05, 13-05 & 14-05**

The Parties, Office and Professional Employees International Union (OPEIU) and Washington State Ferries (WSF), in full and complete settlement of the case listed above, do hereby agree as follows:

1. WSF agrees to use temporary and agency hires into OPEIU-represented positions only as allowed under the OPEIU collective bargaining agreement.
2. WSF agrees to respond to OPEIU questions regarding temporary and agency hires in a prompt and cooperative manner, through the designated OPEIU contact person, currently Paul Elsey.
3. WSF agrees to continue the present practice of providing to OPEIU a copy of the confirmation by employee that the employee has read the "OPEIU letter", on or about the date of commencement of work by all temporary and agency hires. A copy of the confirmation form is attached as Exhibit A.
4. WSF agrees to provide to OPEIU, at or near the middle of each month, a list of temporary or agency employees in OPEIU-represented positions. The list will contain the information contained in Exhibit B attached hereto, and will be in similar format, but will also include for each employee the employee's work phone number, title, and rate of pay.
5. WSF agrees to provide to OPEIU a listing of all WSF temporary or agency employees in OPEIU-represented positions, from June 1, 2004 to the date of signing this agreement. The list shall contain names, departments, start and end dates, pay rates, and if still employed, work telephone numbers.
6. OPEIU agrees to the withdrawal of MEC Cases Nos. 2-05, 13-05, and 14-05. A signed copy of this Agreement shall constitute a request for withdrawal, and may be presented by either party.

/s/ Shannon Halme  
OPEIU

3/15/05

/s/ Paul Elsey  
WSF

3/15/05