

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

OFFICE & PROFESSIONAL
EMPLOYEES INTERNATIONAL
UNION, LOCAL 8,

Complainant,

v.

WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION, FERRIES
DIVISION,

Respondent.

MEC CASE NO. 1-10

DECISION NO. 567 - MEC

ORDER GRANTING OPEIU'S
MOTION TO SEEK
TEMPORARY RELIEF

Robblee, Brennan and Detwiler, by *Mark Brennan* and *Sa'Nni Hull*, Attorneys, appearing for Office and Professional Employees International Union, Local 8.

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

THIS MATTER came before the Marine Employees' Commission (MEC) on September 22, 2009, when the Office and Professional Employees International Union, Local 8 (OPEIU), filed a Motion for Temporary Relief requesting that the MEC seek an injunction, under WAC 316-45-430, to restrain Washington State Ferries (WSF) from moving WSF payroll functions to Olympia until administrative proceedings on MEC Case 1-10 are completed. On September 29, 2009, the WSF filed its Response to Motion for Temporary Relief and supporting affidavits with the MEC.

The OPEIU had filed an unfair labor practice complaint, MEC Case 1-10, on August 3, 2009, charging WSF with interfering with, restraining or coercing OPEIU/WSF payroll employees in the exercise of their rights; and with refusing to bargain with the OPEIU over the decision to centralize WSF payroll functions in Olympia. OPEIU's complaint asserted that WSF's action removes work from the OPEIU represented bargaining unit and unilaterally gives the work to employees miles away, who are represented by another labor union.

On September 2, 2009, the OPEIU notified the Commission of its intent to file a Motion for Temporary Relief. On September 8, the Commission determined that the allegations in OPEIU's complaint may constitute an unfair labor practice if found to be true and provable. MEC Case 1-10 is scheduled for a settlement conference on November 6 and a hearing on December 11, 2009.

DECISION

The Marine Employees' Commission has reviewed the Union's Motion for Temporary Relief with supporting affidavits as to the risk of irreparable harm and the Employer's Response to the Motion for Temporary Relief with counter-affidavits. The Commission agrees with the position of the Union and is therefore granting the Union's request to have the MEC seek injunctive relief in court.

DATED this 2nd day of October 2009.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, CHAIRMAN

/s/ PATRICIA WARREN, COMMISSIONER

/s/ JOHN COX, COMMISSIONER