

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. 11-08

DECISION NO. 543 - 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 December 31, 2007, when Shannon Halme, representative for Office and Professional Employees International Union, Local 8, (OPEIU), filed an unfair labor practice complaint, MEC Case No.11-08, against the Washington State Ferries (WSF).

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

Specifically, OPEIU alleged that WSF was using temporary employees to perform OPEIU bargaining unit work without notice to the union, payment of a work fee to the union and for longer than the 90 days allowed by contract. In addition, OPEIU alleged that bargaining unit work was being performed by Supervisor Jamie Volpone.

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Following review of OPEIU's complaint, the Commission determined that the filing stated both a contract violation and an unfair labor practice. The Commission deferred to arbitration, holding the complaint in abeyance pending resolution of the contract violation portion of the filing.

A settlement conference was set for March 20, 2008 with Chairman John Swanson assigned to serve as Mediator. The March 20 settlement conference was cancelled when key WSF managers were not available. It was rescheduled for April 29, at which time the parties made some progress. During MEC's May 30 public meeting, the parties reported they had reached an agreement.

On June 13, 2008, Shannon Halme, OPEIU, provided the MEC with a copy of the signed agreement resolving this matter and a request to withdraw the complaint. That 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 OPEIU, Local 8, against WSF and docketed as MEC Case No. 11-08, is closed in acknowledgment of the parties' settlement agreement.

DATED this 20th day of June 2008.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ PATRICIA WARREN, Commissioner

**Settlement Agreement  
Between  
Washington State Department of Transportation Ferries Division  
And  
Office and Professional Employees International Union Local No. 8**

**MEC Case No. 11-08**

Washington State Department of Transportation Ferries Division and Office and Professional Employees International Union Local No. 8 referred to as the 'parties' have conferred and agree to the following terms of agreement. To resolve the issue Use of Temporary EE's to Perform Bargaining Unit Work, the parties agree to the following with prejudice and without precedent.

- ◆ Ferries Division will pay Union work permit fees according to Article 5.7 Union Security and Compensation for Temporaries for Doug Soady and Jennifer Smeade.
- ◆ Ferries Division Human Resources Department shall made every effort to communicate with OPEIU when temporary personnel are needed.
- ◆ An existing Vacant OPEIU Accounting 2 Position will be advanced to an Accounting 3 position. The position shall be posted and filled July 2008.
- ◆ A new OPEIU Accountant Position will be posted and filled July 2008.

The parties understand and therefore agree to the provisions set forth in this agreement.

Signed this 2<sup>nd</sup> day of June, 2008.

Washington State Department of Transportation  
Ferries Division

/s/ Paul A. Ganalon  
Labor Relations Manager

Office and Professional Employees  
International Union Local No. 8

/s/ Shannon Halme, OPEIU  
Union Representative