

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

DISTRICT NO. 1, MARINE)	MEC Case No. 11-95
ENGINEERS BENEFICIAL)	
ASSOCIATION,)	
)	DECISION NO. 158 - MEC
Complainant,)	
)	
v.)	ORDER DISMISSING
)	ADJUSTED COMPLAINT
WASHINGTON STATE FERRIES,)	
)	
Respondent.)	
)	

THIS MATTER came before the Marine Employees' Commission (MEC) on August 25, 1995 when District No. 1, Marine Engineers Beneficial Association (MEBA) charged Washington State Ferries 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 MEBA.

MEBA alleged that on or about July 26, 1995, WSF issued a code of conduct to all employees without first negotiating with MEBA. The Union additionally charged WSF with unilaterally, and without notice to or bargaining with the Union, implementing a new procedure for the hiring of employees referred by MEBA to WSF.

A number of other ferry employee unions filed similar unfair labor practices charges against the WSF. The cases were consolidated by MEC for purposes of hearing and Commissioner David E. Williams was appointed to act as hearing examiner. A notice was issued scheduling hearing dates of November 2, 3, 6, 7 and 8, 1995. The hearing dates were continued at the request of the parties, to allow them to meet and engage in informal

settlement negotiations. The parties met on several occasions and, with the assistance of Commissioner John Sullivan, acting as a neutral mediator, were able to negotiate an agreement on the code of conduct and related issues filed by other ferry employee unions.

On February 13, 1996, MEBA signed its concurrence with the code of conduct settlement; however, the hiring procedures issue remained outstanding. The code of conduct issue was dismissed by Order of Dismissal, Decision No. 153-MEC, on May 29, 1996.

A hearing on the hiring procedures issue was scheduled for June 5, 1996. Subsequently, the parties requested a continuance to allow them additional time in which to resolve the matter. The hearing was convened on August 15, 1996 and continued to August 21, 1996, at which time the parties reached a settlement of the dispute. The settlement agreement and attorney Ken Pedersen's withdrawal of the complaint on behalf of MEBA were read into the record. A copy of the excerpted transcript pages and WSF's written Letter of Agreement, signed by Jim Yearby on August 27, 1996, are appended to and included in this Decision and Order.

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ORDER

It is hereby ordered that the unfair labor practice complaint, filed by District No. 1 MEBA against WSF and docketed as MEC Case No. 11-95, is dismissed.

DATED this 6th day of September 1996.

MARINE EMPLOYEES' COMMISSION

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

1 very willing to put that in writing. We would be
2 happy to do that. If you would like to recess the
3 hearing and have us produce that, we'll produce
4 that today.

5 HEARING OFFICER CHILES: Let's go off
6 the record.

7 (RECESS TAKEN)

8 HEARING OFFICER CHILES: Let's go on the
9 record, then. The parties have reached a
10 settlement and the employer's going to make an
11 offer and read their offer onto the record.

12 MS. GALE: Washington State Ferries is
13 offering a retraction of the changes in the work
14 rules listed in the memorandum of June of '95, and
15 Washington State Ferries will request negotiations
16 On the three issues of drug testing, hearing
17 Testing, and employment interviews immediately
18 Following the close of the current MEBA contract
19 Negotiations.

20 MR. PEDERSEN: Well, that's fine. I
21 guess one thing that I'd like to do, I guess, I
22 heard reference made to the June memorandum and can
23 we make - that's in evidence? Can we just provide
24 a copy of that to this record?

25 HEARING OFFICER CHILES: Sure. Be

1 glad to. That would be Union's Exhibit No. 1
2 (UNION'S EXHIBIT NO. 1 IS
3 MARKED FOR IDENTIFICATION

4 HEARING OFFICER CHILES: What form is
5 this retraction going to take? Going to be a
6 letter like this?

7 MS. GALE: Yes. We'll be putting that
8 in writing to correspond with what I just read on
9 the record.

10 MR. PEDERSEN: With those commitments,
11 I guess, and specifically the indication that
12 what's been marked as Union Exhibit No. 1 will be
13 retracted by the Ferry System in writing, the Union
14 would request that it's unfair labor practice
15 charge be withdrawn.

16 HEARING OFFICER CHILES: Okay. I
17 think that's the satisfactory remedy to Case 11-95,
18 and I'll recommend to the full commission that the
19 settlement agreement offered be accepted and that
20 the offer to withdraw Case No. 11-95 be approved.

21 MR. PEDERSEN: Thank you.

22 HEARING OFFICER CHILES: Is there
23 anything further?

24 MR. PEDERSEN: Nothing for the Union.

25 HEARING OFFICER CHILES: Hearing

1 nothing further, this hearing will be closed.

2 (HEARING CONCLUDED)

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BEFORE THE MARINE EMPLOYEES COMMISSION
OF THE STATE OF WASHINGTON

LETTER OF AGREEMENT
FROM WASHINGTON STATE FERRIES

MEC Case 11-95

Marine Engineers Beneficial Assoc. v. Washington State Ferries

In furtherance of the settlement of Marine Employees Commission Case 11-95, Washington State Ferries agrees to the following:

1. Washington State Ferries hereby retracts the changes in the work rules referenced in the June 9, 1995 Memorandum.
2. Washington State Ferries will request negotiations on drug testing, hearing testing and employment interviews following the closing of the current MEBA contract negotiations.

WASHINGTON STATE FERRIES

/s/ Jim Yearby, Director of Human Resources

8/27/96