

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

DISTRICT NO. 1, MARINE
ENGINEERS' BENEFICIAL
ASSOCIATION,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 15-03

DECISION NO. 359 - MEC

ORDER DISMISSING
ADJUSTED COMPLAINT

Mario Micomonaco, Union Representative, appearing for District No. 1, Marine Engineers' Beneficial Association.

Christine Gregoire, 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 27, 2002, when Mario Micomonaco, District No. 1, Marine Engineers' Beneficial Association (MEBA), filed an unfair labor practice complaint against the Washington State Ferries (WSF). The matter was docketed as MEC Case No. 15-03. MEBA amended its complaint on October 15, 2002.

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 refusing to bargain collectively with representatives of employees. Specifically, MEBA alleged that on August 2, 2002, WSF made a unilateral change in cycle time policy without negotiating with the union.

Following review of the complaint and the amendment, the Commission determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable. Commissioner John Byrne was assigned to act as Hearing Examiner. A settlement conference was scheduled for February 21, 2003 and a hearing for March 12, 2003.

During the settlement conference on February 21, 2003, with Commissioner Sullivan's assistance, the parties reached agreement. Commissioner Sullivan forwarded the parties' signed settlement agreement (which includes MEBA's withdrawal of the complaint) to the MEC office. That agreement (received February 24, 2003) 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 MEBA against WSF and docketed as MEC Case No. 15-03, be dismissed.

DATED this 28th day of February 2003.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

Settlement Agreement
MEC Case No. 15-03

IN FULL AND COMPLETE SETTLEMENT of MEC Case No. 15-03, the parties, Washington State Ferries (WSF), and the Marine Engineer's Beneficial Association (MEBA), do hereby agree as follows:

1. It is the duty of every engine room employee to submit a cycle time pay order at the end of each eight-week engine room cycling period. Cycle time pay orders shall be submitted whether or not there is any cycle time payable.
2. All cycle time pay orders will be audited and paid promptly in accordance with current practice.
3. Nothing in this agreement shall preclude any engine room employee from claiming cycle time pay for cycle periods period of the signing of this agreement.

Dated this 21st day of February , 2003

/s/ Mario Micomonaco
For MEBA

/s/ Michael Manning
For WSF

MEBA hereby withdraws Case #15-03. /s/ Mario Micomonaco