

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

DISTRICT NO. 1, MARINE
ENGINEERS' BENEFICIAL
ASSOCIATION,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 18-05

DECISION NO. 440 - MEC

ORDER CLOSING
SETTLED COMPLAINT

Reid, Pedersen, McCarthy and Ballew, by *Thomas Leahy*, Attorney, appearing for District No. 1, Marine Engineers' Beneficial Association.

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 on October 26, 2004, when District No. 1, Marine Engineers' Beneficial Association (MEBA) filed an unfair labor practice complaint against Washington State Ferries (WSF). The complaint was docketed as MEC Case 18-05.

In its complaint, MEBA charged WSF with engaging in unfair labor practices within the meaning of RCW 47.64.130(1) by refusing to bargain collectively with representatives of employees. Specifically, MEBA alleged that, as of August 26, 2004, WSF implemented a new policy, without bargaining with the Union, which covers three different types of injury procedure forms.

Pursuant to WAC 316-45-110, following initial review of the complaint, the MEC determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable. Chairman John Swanson was assigned to serve as Mediator at the settlement conference

scheduled for January 14, 2005. Commissioner John Sullivan was designated to act as Hearing Examiner at a hearing scheduled on May 18, 2005.

At the conclusion of the January 14 settlement conference, the parties had made progress toward resolution of this matter, but had not worked out all the details.

On March 2, 2005, the MEC cancelled the May 18 hearing due to the agency's budget shortfall. In addition, Attorney Thomas Leahy, reassigned to represent MEBA, was not available on May 18.

By letter from MEBA Counsel Thomas Leahy on March 23, 2005, the Union withdrew its unfair labor practice complaint.

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. 18-05, is closed in acknowledgment of MEBA's withdrawal.

DATED this 20th day of April 2005.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner