

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

OFFICE & PROFESSIONAL EMPLOYEES))	MEC Case No. 2-01
INTERNATIONAL UNION, LOCAL 8,))	
)	
Complainant,))	DECISION NO. 269 – MEC
v.))	
)	
WASHINGTON STATE FERRIES,))	ORDER DISMISSING
)	ADJUSTED COMPLAINT
Respondent.))	
_____))	

Ron Weigelt, Union Representative, appearing for and on behalf of Office and Professional Employees International Union, Local 8.

Christine Gregoire, Attorney General, by *David Slown*, Assistant Attorney General, for and on behalf of Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on February 26, 2001, when Ron Weigelt, Office and Professional Employees International Union, Local 8 (OPEIU), filed an unfair labor practice complaint 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 encouraging or discouraging membership in the employee organization by discrimination in regard to: hiring, tenure, any term or condition of employment; and refusing to bargain collectively with representatives of employees.

Specifically, OPEIU charged that WSF implemented a unilateral change in a mandatory subject of bargaining. OPEIU alleged that WSF posted the position of Document Control, effective January 4—18, 2001. WSF changed the nature of the position, removed language allowing experience rather than education and upgraded it two levels. OPEIU asserted that WSF made the changes without first notifying OPEIU. The union further alleged that WSF significantly changed the dispatch process and procedure without notification to OPEIU.

The complaint was forwarded to MEC Commissioners for initial review. Pursuant to WAC 316-45-110, the Commission reviewed the complaint and determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable.

Commissioner John P. Sullivan convened a settlement conference on April 5, 2001; however, the parties were unable to reach agreement at that time. The hearing was scheduled for June 21, 2001, with Chairman Jack D. Nelson to act as Hearing Examiner.

By facsimile on April 25, 2001, Ron Weigelt provided MEC with a copy of a settlement agreement between WSF and OPEIU, which included the union's withdrawal of the complaint. (The hearing was cancelled.) The parties' 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. 2-01, be dismissed.

DATED this 3rd day of May 2001.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN D. NELSON, Chairman

/s/ DAVID E. WILLIAMS, Commissioner

April 24, 2001

**SETTLEMENT AGREEMENT, MEC CASE 02-01
IN FULL AND COMPLETE SETTLEMENT of MEC CASE 02-01**

It is hereby agreed, by and between the parties, Office and Professional Employees International Union (OPEIU) and Washington State Ferries (WSF) as follows:

Upon any upgrade or downgrade of compensation to a bargaining unit position, or establishment of a new bargaining unit position, WSF will notify OPEIU. OPEIU will notify WSF within five days of OPEIU's receipt of notification of their intent to negotiate regarding any change(s). Negotiations will occur within five days of notification to WSF by OPEIU of their intent to negotiate. If OPEIU does not contact WSF within the specified time period of their intent to negotiation, WSF is free to post affected positions as per the collective bargaining agreement.

By virtue of the above resolution and signature of the OPEIU, the OPEIU withdraws their MEC Case 02-01 and will so inform the MEC.

Date: 4/24/01
WASHINGTON STATE FERRIES
SYSTEM

Date: 4/25/01
OFFICE & PROFESSIONAL
EMPLOYEES INTERNATIONAL
UNION

/s/ Michael Manning
Labor Relations Manager

/s/ Ron Weigelt
Business Representative