

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. 2-05 (ULP)
MEC CASE NO. 14-05 (ULP)

DECISION NO. 442 – MEC

ORDER CLOSING
SETTLED COMPLAINTS

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.

THESE MATTERS came on regularly before the Marine Employees' Commission (MEC) when Shannon Halme, representative for Office and Professional Employees International Union, Local 8, (OPEIU) filed two unfair labor practice complaints against the Washington State Ferries (WSF), one on July 9 and another on September 17, 2004.

The first of OPEIU's two complaints was docketed as MEC Case No. 2-05. The 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 formation or administration of an employee organization; encouraging or discouraging membership in 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 alleged that WSF failed to give notice to the Union of temporary and agency employees hired to do bargaining unit work. Following review of the complaint, the Commission determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable.

The MEC scheduled a settlement conference for July 29, 2004, designating Commissioner John Byrne as Mediator. The MEC continued the settlement conference to August 9, because the WSF individual necessary to settlement of the issue was not available. The August 9, conference was later continued, due to Ms. Halme's illness. The parties participated in a settlement conference on August 18, with Commissioner John Sullivan substituted as Mediator. The matter was not resolved. The MEC scheduled another settlement conference for September 24.

The second of OPEIU's complaints was docketed as MEC Case No. 14-05. The 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 formation or administration of an employee organization; and encouraging or discouraging membership in employee organization by discrimination in regard to: hiring, tenure any term or condition of employment.

Specifically, OPEIU alleged that WSF repudiated the OPEIU/WSF contract by failing to notice the Union of WSF temporary and agency hires. Following review of the complaint, the Commission determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable.

The MEC added Case 14-05 to a settlement conference already scheduled on September 24 to discuss several other OPEIU cases.

* * *

Both Case 2-05 and 14-05 were discussed during the September 24, 2004 settlement conference with some progress being made toward resolution. During MEC's December 10 public meeting, Shannon Halme, OPEIU, requested another conference be scheduled. On January 12, 2005, the Commission ordered the two cases consolidated for further settlement discussions and hearing, if needed. An additional settlement conference was scheduled for March 15, 2005.

The parties reached agreement during the March 15 conference. Commissioner Sullivan forwarded a copy of the signed agreement to the MEC office. It constitutes a request for withdrawal of the complaints. That agreement (received March 16) is appended to and becomes a part of this Order by reference.

ORDER

It is hereby ordered that the unfair labor practice complaints, filed by OPEIU against WSF and docketed as MEC Case Nos. 2-05 and 14-05, are closed in acknowledgment of the parties' settlement agreement.

DATED this 20th day of April 2005.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner

Settlement Agreement

MEC Cases 2-05, 13-05 & 14-05

The Parties, Office and Professional Employees International Union (OPEIU) and Washington State Ferries (WSF), in full and complete settlement of the case listed above, do hereby agree as follows:

1. WSF agrees to use temporary and agency hires into OPEIU-represented positions only as allowed under the OPEIU collective bargaining agreement.
2. WSF agrees to respond to OPEIU questions regarding temporary and agency hires in a prompt and cooperative manner, through the designated OPEIU contact person, currently Paul Elsey.
3. WSF agrees to continue the present practice of providing to OPEIU a copy of the confirmation by employee that the employee has read the "OPEIU letter", on or about the date of commencement of work by all temporary and agency hires. A copy of the confirmation form is attached as Exhibit A.
4. WSF agrees to provide to OPEIU, at or near the middle of each month, a list of temporary or agency employees in OPEIU-represented positions. The list will contain the information contained in Exhibit B attached hereto, and will be in similar format, but will also include for each employee the employee's work phone number, title, and rate of pay.
5. WSF agrees to provide to OPEIU a listing of all WSF temporary or agency employees in OPEIU-represented positions, from June 1, 2004 to the date of signing this agreement. The list shall contain names, departments, start and end dates, pay rates, and if still employed, work telephone numbers.
6. OPEIU agrees to the withdrawal of MEC Cases Nos. 2-05, 13-05, and 14-05. A signed copy of this Agreement shall constitute a request for withdrawal, and may be presented by either party.

/s/ Shannon Halme
OPEIU

3/15/05

/s/ Paul Elsey
WSF

3/15/05