

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INTERNATIONAL ORGANIZATION
OF MASTERS, MATES AND PILOTS,

Complainant,

v.

WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION, FERRIES
DIVISION,

Respondent.

MEC CASE NO. 20-08

DECISION NO. 556 - MEC

ORDER CLOSING
WITHDRAWN COMPLAINT

Singleton, Gendler & Terrasa by *Jennifer Stair*, Attorney, appearing for the International Organization of Masters, Mates and Pilots.

Robert McKenna, Attorney General, by *David Slown*, Assistant Attorney General, appearing for the Washington State Department of Transportation, Ferries Division.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on May 27, 2008, when the International Organization of Masters, Mates and Pilots (MM&P) filed an unfair labor practice complaint, MEC Case No. 20-08, against the Washington State Department of Transportation, Ferries Division (WSF).

MM&P's complaint 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, MM&P alleged that WSF unilaterally filled the Chief Mate's position on the SEALTH without opening the position for a bid, in violation of the Collective Bargaining Agreement, and without explanation to the union as to how the position was filled.

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Following review of MM&P's complaint, the Commission determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable. Commissioner John Sullivan was assigned as Mediator for the settlement conference scheduled on July 25, 2008. Chairman John Swanson was designated to act as Hearing Examiner and a hearing scheduled for October 10, 2008.

The issue was not resolved during the July 25 settlement conference, but the parties made progress. On October 3, MM&P Counsel notified the MEC that the union concurs with WSF's request to defer the matter to arbitration (Respondent's Answer of September 24, 2008). On that basis, the MEC cancelled the October 10 hearing. On April 10, 2009, MM&P Branch Agent Capt. Tim Saffle withdrew the complaint.

ORDER

It is hereby ordered that the unfair labor practice complaint, filed by MM&P against WSF and docketed as MEC Case 20-08, is closed in acknowledgement of MM&P's withdrawal.

DATED this 28th day of April 2009.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN COX, Commissioner

/s/ PATRICIA WARREN, Commissioner