

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

DISTRICT NO. 1 MARINE ENGINEERS'
BENEFICIAL ASSOCIATION,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 21-04

DECISION NO. 478 - MEC

ORDER CLOSING
WITHDRAWN COMPLAINT

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

Rob McKenna, Attorney General, by *David Slown*, Assistant Attorney General, appearing for the Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on September 26, 2003 when 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. 21-04. A related request for grievance arbitration was filed at the same time and docketed as MEC Case No. 20-04.

MEBA'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. On October 3, 2003, MEBA amended the statement of facts contained in the complaint. Specifically, MEBA alleged that WSF unilaterally changed work schedules, and therefore the working conditions, without bargaining with the Union.

Following review of MEBA's complaint, the MEC determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable. The MEC ordered

MEBA's complaint, Case 21-04, consolidated with MEBA's grievance, 20-04, for purposes of scheduling a settlement conference and hearing.

A settlement conference was scheduled for December 9, 2003 with Commissioner John Byrne assigned to serve as Mediator. Chairman John Swanson was designated to act as Hearing Examiner at the hearing scheduled for February 6, 2004. The December 9 settlement was not held, but continued to January 12, 2004.

The parties did not reach agreement during the conference on January 12. At that time, MEBA requested the February 6 hearing be continued at least three months. The MEC rescheduled for April 12, 2004. That hearing date was cancelled when MEBA counsel requested a postponement to allow the parties time for continued settlement discussions.

A second settlement conference was scheduled for July 26, 2004. On that date, the parties reached an interim agreement to hold the cases in abeyance while WSF considered MEBA's schedule proposal. On September 23, 2004, MEBA advised the MEC that WSF had rejected the Union's schedule proposal and requested that a hearing date be set.

The MEC rescheduled the hearing for March 24, 2005, but later cancelled due to the agency's budget shortfall. The hearing was subsequently continued to February 23, 2006. MEBA counsel requested a hearing continuance because the grievant was not available on February 23; the MEC rescheduled for April 26.

Just prior to convening of the April 26, 2006 hearing, MEBA withdrew its complaint, Case 21-04. The hearing proceeded in the grievance, Case 20-04, only. On May 4, the MEC received MEBA Representative Jeff Duncan's letter confirming withdrawal of the complaint.

ORDER

It is hereby ordered that the unfair labor practice complaint, filed by MEBA against WSF and docketed as MEC Case 21-04, is closed in acknowledgment of MEBA's withdrawal.

DATED this 24th day of May 2006.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner