

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. 22-04

DECISION NO. 395 - MEC

ORDER CLOSING  
SETTLED COMPLAINT

TO: SHANNON HALME, Union Representative for OPEIU Local 8  
AND TO: AAG DAVID SLOWN, Counsel for WSF

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on October 2, 2003, when Shannon Halme, Union Representative for Office and Professional Employees International Union, Local 8 (OPEIU), filed an unfair labor practice complaint against the Washington State Ferries (WSF). The matter was docketed as MEC Case No. 22-04.

OPEIU's 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 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 repeatedly failed to respond to contract administration requests from OPEIU and repudiated the contract—Articles 5 and 6—by failing to post and fill temporary Union positions in accordance with the contract.

Following review of the complaint, the Commission determined that the facts alleged may constitute unfair labor practices, if later found to be true and provable.

Commissioner John Sullivan was assigned to act as Mediator at the settlement conference scheduled on December 8, 2003. Chairman John Swanson was designated to act as Hearing Examiner for the hearing scheduled on January 12, 2004.

During the December 8 conference, with Commissioner Sullivan's assistance, the parties reached agreement. Commissioner Sullivan forwarded the parties' signed settlement agreement, which includes OPEIU's withdrawal of the complaint, to the MEC office. That agreement (MEC received December 9) 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 the Office and Professional Employees International Union, Local 8, and docketed as MEC Case 22-04, is closed in acknowledgment of the parties' settlement agreement.

DATED this \_\_\_\_\_ day of December 2003.

MARINE EMPLOYEES' COMMISSION

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JOHN SWANSON, Chairman

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JOHN SULLIVAN, Commissioner

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JOHN BYRNE, Commissioner

SETTLEMENT AGREEMENT

MEC Case No. 22-04  
24-04  
27-04

IN FULL AND COMPLETE SETTLEMENT of the above-listed MEC Cases, the parties, Washington State Ferries (WSF) and Office and Professional Employees International Union, Local 8 (OPEIU), do hereby agree as follows:

1. The parties mutually acknowledge that OPEIU members have legitimate concerns that their grievances, and union Information requests, have not been promptly and efficiently resolved in accordance with negotiated dispute-resolution procedures as set forth in Article 15 of their labor agreement. In an effort to improve WSF responsiveness, the parties agree to develop and use a grievance form which will provide for a clear and effective statement of the matter grieved and the relief requested. The parties agree that a copy of the agreed form will be provided to the WSF HR Department at the time of filing, so that HR can monitor the progress of the grievance settlement process.

The parties further agree that a copy of this settlement agreement may be appended to any grievance filed by an OPEIU member.

WSF AGREES:

1. To post the Eagle Harbor Department Coordinator position by December 31, 2003.
2. To allow Judy Martin to return from leave-of-absence, to her dispatcher position, provided she reports to work no later than her first scheduled workday after January 16, 2004. If she fails to so return to work, she is subject to Article 10.8 of the CBA.
3. To maintain the existence of the floating secretary position, currently occupied by Deborah Haney, until March 31, 2004, unless mutually agreed to the contrary by OPEIU and WSF. If the position is eliminated or revised after March 31, 2004, then Deborah Haney will be **entitled to** exercise her bumping rights under the labor agreement.
4. WSF hereby notified OPEIU of WSF's intent to eliminate, through RIF, the Port Engineer's Vessel Preservation Secretary position.
5. WSF HR Manager Deborah Russick has agreed to meet with on OPEIU representative at their request on a monthly basis.

OPEIU AGREES:

1. To withdraw MEC Cases 22-, 24-, and 27-04.

A signed copy of this agreement shall constitute a request for withdrawal, and may be presented by any party.

Dated this 8<sup>th</sup> day of December, 2003.

/s/ Deborah Russick                      December 8, 2003  
for WSF

/s/ Shannon Halme                      December 8, 2003  
for OPEIU