

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

DISTRICT NO. 1 MARINE ENGINEERS'  
BENEFICIAL ASSOCIATION,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 22-06

DECISION NO. 475 - MEC

ORDER CLOSING  
SETTLED COMPLAINT

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

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

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on March 31, 2006 when MEBA filed an unfair labor practice complaint against the WSF. The matter was docketed as MEC Case No. 22-06.

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.

Specifically, MEBA alleged that WSF would not agree to consolidate the 2005-2007 interest arbitration with the 2003-2005 interest arbitration scheduled for April 18, 2006, to ensure new statutory deadlines are met for the 2007-2009 contract. MEBA requested an expedited hearing.

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. A settlement conference was scheduled for April 6, 2006 with Commissioner Elizabeth Ford assigned to serve as Mediator.

Chairman John Swanson was designated to act as Hearing Examiner and an April 11, 2006 hearing scheduled.

MEBA and WSF reached agreement during the April 6 settlement conference. On April 7, the MEC received a copy of the parties' signed settlement agreement, which constitutes MEBA's withdrawal of the complaint. A copy of the 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 MEBA against WSF and docketed as MEC Case 22-06, is closed in acknowledgment of the parties' settlement agreement.

DATED this 2nd day of May 2006.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner

SETTLEMENT AGREEMENT  
MEC CASE NO. 22-06

In settlement of MEC case number 22-06, the parties agree as follows:

1. On April 17, 2006, the WSF and MEBA will strike their 07-09 arbitrator list.
2. If the MEBA membership does not ratify the currently pending WSF offer, on April 18, 2006 the parties will interest arbitrate the 03-05 collective bargaining agreement before Arbitrator John Byrne. The parties agree that they will not use a court reporter and they will provide argument through closing statements rather than written briefs. This Settlement Agreement is conditional on Arbitrator Byrne's agreement to issue his decision by May 18-21, 2006.
3. If the MEBA membership does not ratify the currently pending WSF offer, the parties will interest arbitrate the 05-07 collective bargaining agreement before Arbitrator John Byrne during the week of May 21, 2006. This Settlement Agreement is conditional on Arbitrator Byrne's ability to conduct this two to three day hearing during this week and issue a decision prior to the end of June, 2006. The parties agree that Arbitrator Byrne will decide the manner of argument.
4. The parties will work together to schedule an 07-09 arbitration, if necessary, sufficiently in advance of the October 1 deadline to meet that deadline.
5. By entering into this agreement, neither party admits to the validity in law or in fact of the positions or assertions of the other.
6. MEBA hereby withdraws MEC Case No. 22-06.

Dated this 6<sup>th</sup> day of April.

/s/ David J. Slown  
For WSF

/s/ John N. Anderson  
For MEBA