

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

DISTRICT NO. 1, MARINE
ENGINEERS' BENEFICIAL
ASSOCIATION,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 26-05

DECISION NO. 447 - MEC

ORDER CLOSING
SETTLED 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 Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission on November 5, 2004, when District No. 1, Marine Engineers' Beneficial Association (MEBA) filed an unfair labor practice complaint against Washington State Ferries (WSF). The complaint was docketed as MEC Case 26-05.

In its complaint, MEBA 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 made a unilateral change in watch relieving terminals, which was different than what it had proposed to MEBA. MEBA maintained that the change without negotiating with the union resulted in undue stress and long watches for employees.

Pursuant to WAC 316-45-110, following initial review of the complaint, the MEC determined that the facts alleged may constitute an unfair labor practice, if later found to be true

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and provable. Commissioner Elizabeth Ford was assigned to serve as Mediator at a settlement conference scheduled for February 16, 2005. On that date, two cases were scheduled for settlement discussions; the parties ran out of time to work on Case 26-05. The MEC continued the settlement conference to February 25, but rescheduled for May 17 when there was a conflict with contract negotiations.

During the settlement conference on May 17, the parties reached agreement. Following the conference, MEBA's counsel faxed the MEC a copy of their signed agreement (which includes MEBA's withdrawal of the complaint). That 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 District No. 1 MEBA against WSF and docketed as MEC Case No. 26-05, is closed in acknowledgment of the parties' agreement.

DATED this 24th day of June 2005.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner

SETTLEMENT AGREEMENT
Re: MEC Case #26-05 (Relieving Terminals)

The Marine Engineers Beneficial Association (“MEBA” or “the Union”) and the Washington State Ferry System (“the Ferries”) wish to settle the Union’s unfair labor practice charge, MEC Case No. 26-05, and therefore agree:

1. As part of negotiations for a 2005-2007 collective bargaining agreement, the parties will bargain regarding changes to existing contract language on relieving terminals, changes in relieving terminals, and the impacts on employees of changes in relieving terminals.
2. Nothing in this Settlement Agreement limits the rights of the parties in 2005-2007 collective bargaining.
3. Within sixty days of the execution of this Settlement Agreement the Ferries will comply with its obligation under the current collective bargaining agreement to initiate discussions with the City of Seattle regarding the availability and accessibility of parking at Fauntleroy. The Ferries will coordinate these discussions with the Union for the purpose of ensuring the presence of a Union representative.
4. This Settlement Agreement is non-precedent setting. In addition, the parties expressly reserve their positions with respect to the underlying unfair labor practice charge. Neither party will argue that this Settlement Agreement implies that the other party has waived positions or arguments with respect to the ULP or associated issues. In particular, and without limitation, WSF expressly reserves its position that the existing labor agreement allows it to change relieving terminals.
5. The Union hereby withdraws its unfair labor practice charge.

Dated: May 17, 2005

WSF: /s/ David J. Slown, AAG WSBA 24943

MEBA: /s/ Mario Micomonaco