

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

INTERNATIONAL ORGANIZATION  
OF MASTERS, MATES and PILOTS,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 29-04

DECISION NO. 417 - MEC

ORDER CLOSING  
SETTLED COMPLAINT

Wolfstone, Panchot and Bloch, by *Steve Ross*, Attorney, appearing for International Organization of Masters, Mates and Pilots.

Christine Gregoire, Attorney General, by *David Slown*, Assistant Attorney General, appearing for Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on January 9, 2004, when Steve Ross, counsel for the Masters, Mates and Pilots (MM&P), filed an unfair labor practice complaint against the Washington State Ferries (WSF). The matter was docketed as MEC Case No. 29-04.

MM&P'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; and refusing to bargain collectively with representatives of employees

Specifically, MM&P alleged that during the 2001-2003 contract negotiations on January 8, 2004, WSF demanded, as a condition of continuing negotiations, that the union admit or deny that masters and mates are "supervisors." MM&P asserted that the union declined to comply and WSF refused further bargaining.

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. A settlement conference was scheduled for March 24, 2004 with Chairman John Swanson assigned as Mediator.

On March 18, 2004, the MM&P requested the settlement conference be postponed indefinitely. MM&P indicated that the parties had made some progress and were scheduled to meet on issues related to this complaint in the coming week. The MEC settlement conference was cancelled.

During MEC's March 26 public meeting, AAG Slown reported that the parties' recent settlement efforts appear to have failed. Following the status report, the Commission scheduled a settlement conference for May 19, 2004 and a hearing for June 17, 2004. Commissioner John Sullivan was designated as Hearing Examiner.

By telephone on May 14 and confirming letter on May 18, 2004, MM&P Counsel Steve Ross notified the MEC that the parties had resolved Case 29-04 and requested that the scheduled settlement conference and hearing dates be cancelled. Mr. Ross indicated that the MM&P would have a request to withdraw the complaint to the MEC within a week. Settlement conference and hearing were cancelled.

As of June 18, 2004, the Commission had not received MM&P's request to withdraw the complaint.

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## ORDER

Based upon the clear understanding that this matter is resolved and verbal report from the MM&P and WSF that the parties have resumed bargaining, it is hereby ordered that the unfair labor practice complaint, filed by the MM&P against WSF and docketed as MEC Case 29-04, is closed as settled, unless either party files an objection with the Commission within ten (10) days of the date of this Order.

If the parties forward a copy of a signed settlement agreement to the MEC, it will be attached to this Order.

DATED this 7th day of July 2004.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner