

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. 3-05

DECISION NO. 458 - MEC

ORDER CLOSING  
SETTLED COMPLAINT

*Shannon Halme*, Union Representative, appearing for Office and Professional Employees International Union, Local 8.

Robert McKenna, 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 July 9, 2004, when Shannon Halme, 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. 3-05.

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 an employee organization; and refusing to bargain collectively with representatives of employees.

Specifically, OPEIU alleged that WSF had denied OPEIU bargaining unit members the same enhanced shared leave benefits afforded merit system state employees. Following review of the complaint, the Commission determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable.

Commissioner John Byrne was assigned to serve as Mediator during settlement discussions with the parties. The settlement conference was continued twice, but finally conducted on August

18, 2004. At OPEIU's request, a second conference was held on September 24. The matter remained unresolved. Chairman John Swanson was designated as Examiner and a hearing scheduled for March 10, 2005. That hearing was cancelled due to the MEC's budget shortfall.

WSF filed its Answer to the Complaint on February 24, 2005. On July 6 (after the beginning of the new biennium), MEC staff contacted Shannon Halme by email to reschedule the hearing in Case 3-05. Ms. Halme replied that there was no need to reschedule since WSF had offered OPEIU the same provisions afforded merit system employees in a Memorandum of Understanding within the last month. She stated OPEIU would withdraw the complaint. As of September 7, 2005, the MEC had not received OPEIU's withdrawal of the complaint.

### **ORDER**

Based upon Shannon Halme's email message reporting the matter resolved, it is hereby ordered that the unfair labor practice complaint, filed by OPEIU against WSF and docketed as MEC Case No. 3-05, is closed as settled, unless either party files an objection with the Commission within ten (10) days of the date of this Order. If either party forwards a copy of the Memorandum of Understanding to the MEC, it will be attached to this Order.

DATED this 27th day of September 2005.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner