

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

INTERNATIONAL ORGANIZATION)	MEC Case No. 30-97
OF MASTERS, MATES & PILOTS,)	
)	DECISION NO. 188 - MEC
Complainant,)	
)	
v.)	ORDER OF DISMISSAL
)	
WASHINGTON STATE FERRIES,)	
)	
Respondent.)	
_____)	

THIS MATTER came before the Marine Employees' Commission (MEC) on September 26, 1997, when the International Organization of Masters, Mates and Pilots (MM&P) filed an unfair labor practice complaint against the Washington State Ferries (WSF).

IBU'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 the formation or administration of employee organization; and refusing to bargain collectively with the representative of employees.

The 1995-1997 MM&P/WSF collective bargaining agreement contains a new provision (Rule 11.06) establishing a leave bank, outlining operation of the leave bank, and providing for adoption of mutually agreed-upon administrative procedures for withdrawal of time from the leave bank. Under the agreement, deck officers donate eight hours of vacation or comp-time annually to the bank. The donated time can be used by deck officers for official union business. MM&P alleged that WSF had not taken reasonable

steps to implement the provisions of the agreement establishing the leave bank, and therefore, MM&P members were unable to use the leave bank for contract negotiations, grievance hearings and other union purposes.

Upon review, the MEC determined that the facts alleged, if later found to be true and provable, may constitute an unfair labor practice. Chairman Henry L. Chiles, Jr. was appointed to act as a hearing examiner, pursuant to WAC 316-45-130. A hearing was scheduled for December 8, 1997.

By letter on December 3, 1997 MM&P counsel, Steve Ross, advised the MEC that WSF has recently taken steps to establish the leave bank, including proposed procedures for administration of the leave bank. Based on these efforts toward resolution of the dispute, MM&P counsel withdrew the unfair labor practice charge contained in MEC Case No. 30-97, reserving the right to file a new complaint, and seek reimbursement for attorneys' fees and members' monetary losses, in the event future unfair labor practices by WSF result in a delay in establishment of the leave bank.

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ORDER

It is hereby ordered that the unfair labor practice complaint, filed by MM&P against WSF and docketed as MEC Case No. 30-97, is dismissed.

DATED this 12th day of December 1997.

MARINE EMPLOYEES' COMMISSION

/s/ HENRY L. CHILES, JR. , Chairman

/s/ JOHN P. SULLIVAN, Commissioner

/s/ DAVID E. WILLIAMS, Commissioner