

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

DISTRICT NO. 1, MARINE
ENGINEERS' BENEFICIAL
ASSOCIATION,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 31-05

DECISION NO. 446 - MEC

ORDER CLOSING
COMPLAINT

Reid, Pedersen, McCarthy and Ballew, by *Thomas Leahy*, 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 January 12, 2005, 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 31-05.

In its complaint, MEBA 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 by refusing to bargain collectively with representatives of employees. Specifically, MEBA alleged that WSF refused to bargain with MEBA about issues related to the 2006 Hood Canal Bridge closure and further, failed to provide requested information related to the subject.

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 and provable.

A settlement conference was scheduled for March 24, 2005 with Chairman John Swanson assigned to serve as Mediator. The conference concluded with counsel agreeing to work out language for withdrawal of the complaint in case the issue came up again.

On May 13, 2005, the MEC received MEBA Counsel Tom Leahy's letter withdrawing MEBA's complaint "without prejudice or precedent," based upon WSF's letter of May 2 stating that the earliest the Hood Canal Bridge closure is likely to occur is 2009. Mr. Leahy noted that withdrawal of the complaint "does not waive any of MEBA's rights to request information and/or to be given proper notice related to the Hood Canal Bridge closure."

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. 31-05, is closed in acknowledgment of MEBA's withdrawal.

DATED this 24th day of June 2005.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner