

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. 33-05

DECISION NO. 463 - MEC

ORDER CLOSING  
WITHDRAWN COMPLAINT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 January 26, 2005 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. 33-05.

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; encouraging or discouraging membership in an employee organization by discrimination in regard to: hiring, tenure, any term or condition of employment; and discharging or otherwise discriminating against an employee after the employee has filed charges or given testimony concerning subjects covered by chapter 47.64. Specifically, OPEIU alleged that WSF failed to provide notice to the Union regarding reduction in force changes.

Earlier, on December 9, 2004 OPEIU had filed a request for grievance mediation, Case 28-05; the two cases were based on the same set of facts. On January 27, 2005, WSF requested dismissal of the complaint based upon it being untimely filed. On February 1, 2005 the Commission deferred to arbitration, holding the complaint, Case 33-05, in abeyance until resolution of the grievance. The grievance mediation was not successful and the MEC does not have authority to conduct the arbitration under the OPEIU/WSF contract. On November 9, 2005 the MEC closed its file on the grievance mediation request by issuing Decision No. 461-MEC.

By letter on November 2, 2005 the MEC advised OPEIU that if it did not hear from the union by November 16, the Commission would assume the grievance arbitration case had been resolved and would dismiss the complaint. On November 10, OPEIU responded by withdrawing its complaint.

### **ORDER**

It is hereby ordered that the unfair labor practice complaint, filed by OPEIU against WSF and docketed as MEC Case No. 33-05, is closed in acknowledgment of OPEIU's withdrawal.

DATED this 7th day of December 2005.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner