

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INTERNATIONAL ORGANIZATION OF)	
MASTERS, MATES & PILOTS,)	MEC Case No. 35-00
)	
Complainant,)	DECISION NO. 259 – MEC
v.)	
)	
WASHINGTON STATE FERRIES,)	ORDER DISMISSING
)	ADJUSTED COMPLAINT
Respondent.)	

Steve Ross, attorney at law, appearing for and on behalf of the International Organization of Masters, Mates and Pilots.

Christine Gregoire, Attorney General, by David Slown, Assistant Attorney General, for and on behalf of Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on September 6, 2000, when the International Organization of Masters, Mates and Pilots (MM&P) filed an unfair labor practice complaint against the Washington State Ferries (WSF). 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 by refusing to bargain collectively with representatives of employees.

Specifically, MM&P charged WSF with attempting to modify the clear terms of its agreement with MM&P concerning the manning of vessels, without bargaining with the Union. On or about August 20, 2000, WSF towed a vessel from Eagle Harbor to Todd Shipyard. MM&P asserted that the vessel movement was performed in a manner which violated Rule 5.01; not in compliance with the certificate of inspection.

Following review of the initial complaint, the Commission determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable. Chairman John D. Nelson was assigned to act as Hearing Examiner. A settlement conference was scheduled for November 14, 2000 and a hearing for February 6, 2001.

ORDER DISMISSING
ADJUSTED COMPLAINT-1-

On November 14, with Commissioner John Sullivan acting as Mediator, the parties reached a tentative agreement. A few final details required further review and approval by the parties. On January 26, 2001, WSF counsel David Slown, provided the Commission with a copy of the signed settlement agreement. The agreement constitutes a request for withdrawal as well. It is appended to and becomes a part of this Order by reference.

ORDER

It is hereby ordered that the unfair labor practice complaint filed by MM&P against WSF and docketed as MEC Case No. 35-00, be dismissed.

DATED this 6th day of February 2001.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN D. NELSON, Chairman

/s/ JOHN P. SULLIVAN, Commissioner

/s/ DAVID E. WILLIAMS, Commissioner

1/21/00 19:03 FAX 360 779 9791

ANDREW WILLIAMS

SETTLEMENT AGREEMENT

MEC CASE NO. 35-00

JAN 26 2001

MARINE EMPLOYEES' COMMISSION
OLYMPIA, WA

Between

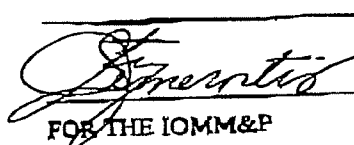
THE INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS (IOMM&P)

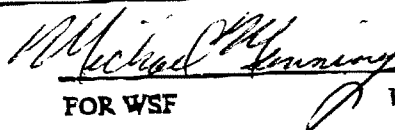
And

WASHINGTON STATE FERRIES (WSF)

IN FULL AND COMPLETE SETTLEMENT of the unfair labor practice complaint of the IOMM&P in the above referenced matter, the parties, WSF and IOMM&P, hereby agree as follows:

1. The parties mutually agree that in certain situations WSF may decide to move vessels not in revenue service by towing, and that in such situations one Master shall be assigned aboard the vessel during the tow. No other members of the IOMM&P must be assigned to the vessel during tow transits, but WSF is free to assign a full crew complement if it chooses to do so.
2. The parties further agree that, as an exception to the rule set forth above, in cases in which a vessel is inoperable during the tow, no Master or Mate need be assigned to or aboard the vessel.
3. WSF agrees to notify the IOMM&P of any impending vessel moves under tow which will be made without a Master aboard. Such notification shall include the date and location of the move and the reason the vessel is deemed inoperable at the time of the move. Such notice will be made by telephone or other reasonable means of communication, within a reasonable time from the time WSF determines the vessel will be inoperable during the move.
4. IOMM&P agrees to withdraw its complaint of unfair labor practice in MEC Case No. 35-00. A signed copy of this agreement may be presented to the MEC by either party, and shall constitute a request for withdrawal.

 1/24/01
FOR THE IOMM&P DATE:

 1/25/01
FOR WSF DATE: