

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. 37-04

DECISION NO. 420 - MEC

ORDER CLOSING
SETTLED COMPLAINT

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

Christine Gregoire, 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 February 20, 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. 37-04.

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 encouraging or discouraging membership in an employee organization by discrimination in regard to: hiring, tenure, any term or condition of employment.

Specifically, OPEIU alleged that WSF reassigned OPEIU Local 8 bargaining unit work to the Information Agent, which is an IBU classification.

Following review of the complaint, the Commission determined that the facts alleged may constitute unfair labor practices, if later found to be true and provable.

The MEC scheduled a settlement conference for April 20, 2004, with Chairman John Swanson acting as Mediator. Commissioner John Sullivan was designated as Hearing Examiner and a hearing date set for June 1, 2004.

By facsimile on April 16, 2004, Jay Ubelhart, IBU Business Agent, requested the IBU be allowed to intervene in this matter. The IBU participated in the April 20 settlement conference with OPEIU and WSF. The dispute was not resolved.

On May 21, 2004, the parties agreed to convert the previously scheduled June 1 hearing to an additional settlement conference. Chairman Swanson was unavailable to conduct the mediation on June 1; Commissioner John Byrne was substituted as Mediator. Progress was made on June 1 and the parties agreed to continue settlement discussions on June 22, 2004.

On June 17, 2004, the IBU withdrew from the case.

The OPEIU and WSF reached an agreement on June 22, 2004 with Commissioner Byrne's assistance. Commissioner Byrne forwarded the parties' signed settlement agreement (which includes OPEIU's withdrawal of the complaint) to the MEC office. That agreement (MEC received June 24) is appended to and becomes a part of this Order by reference.

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ORDER

It is hereby ordered that the unfair labor practice complaint, filed by OPEIU against WSF and docketed as MEC Case No. 37-04, is closed in acknowledgment of the parties' settlement agreement.

DATED this 2nd day of July 2004.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner