

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

INTERNATIONAL ORGANIZATION  
OF MASTERS, MATES & PILOTS,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

CONSOLIDATED CASES

MEC CASE NO 41-05

MEC CASE NO. 47-05

DECISION NO. 467 - MEC

ORDER CLOSING

SETTLED COMPLAINTS

Wolfstone, Panchot and Bloch, by *Steve Ross*, Attorney, appearing for the International Organization of Masters, Mates and Pilots.

Rob McKenna, Attorney General, by *David Slown*, Assistant Attorney General, appearing for the Washington State Ferries.

THE ABOVE MATTERS came on regularly before the Marine Employees' Commission as follows:

**MEC Case No. 41-05**

On March 29, 2005 the International Organization of Masters, Mates and Pilots (MM&P) filed an unfair labor practice complaint, MEC Case No. 41-05, against the Washington State Ferries (WSF). The complaint was filed on behalf of the Operations Watch Supervisors.

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 refusing to bargain collectively with representatives of employees.

MM&P alleged that WSF unilaterally implemented a new bidding system, a WSF date-of-hire seniority system and new work schedules for Operations Watch Supervisors without bargaining with the union.

**MEC Case No. 47-05**

On May 24, 2005 MM&P filed a second unfair labor practice complaint, MEC Case No. 47-05, against the WSF.

MM&P 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 refusing to bargain collectively with representatives of employees.

MM&P alleged that on May 16, 2005, WSF notified Operations Watch Supervisors of adjusted seniority dates for two out of six of them and announced that a rebid of the assigned work shifts would now occur. MM&P maintained that WSF's action is capricious, unnecessary and retaliatory, pointing out that the parties are currently involved in contract negotiations. The Union further asserts that WSF's action has damaged and diluted the MM&P's representative role during negotiations, requiring additional bargaining efforts to return conditions to those existing prior to November 16, 2004.

\* \* \*

Following review, the Commission determined that the facts alleged in complaint No. 41-05 may constitute an unfair labor practice, if later found to be true and provable. The MEC scheduled a settlement conference for June 3, 2005, with Chairman John Swanson designated to serve as Mediator. Upon receipt and review of the second complaint, No. 47-05, the Commission accepted it for processing, as well, and included it in the already scheduled settlement conference. The parties met for settlement discussions with Chairman Swanson on June 3, but were unable to resolve the issues.

Upon review of the facts and principles of law alleged in the two complaints, the MEC ordered them consolidated for the purpose of conducting a hearing. Commissioner Elizabeth

Ford was assigned as Hearing Examiner and a hearing scheduled for July 26, 2005. Due to a conflict with counsel's schedule, the July 26 hearing was cancelled and continued to September 30. The September date was later cancelled and rescheduled for November 4.

On June 15, 2005 MM&P filed a motion to amend the charge contained in MEC Case 47-05; Examiner Ford granted the motion. On October 21, 2005 WSF filed its answer to the complaints.

On November 4, 2005 Examiner Elizabeth Ford conducted the hearing. Post-hearing briefs had not yet been filed when, on December 13, 2005, the MEC received a letter from MM&P Counsel Steve Ross advising that the parties had reached a settlement and requesting the cases be withdrawn.

### **ORDER**

It is hereby ordered that the unfair labor practice complaints, filed by MM&P against WSF and docketed as MEC Cases 41-05 and 47-05, are closed in acknowledgement of the parties' settlement.

DATED this 17th day of January 2006.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner