

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

DISTRICT NO. 1, MARINE
ENGINEERS' BENEFICIAL
ASSOCIATION,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 48-04

DECISION NO. 426 - MEC

ORDER CLOSING
SETTLED COMPLAINT

Reid, Pedersen, McCarthy and Ballew, by *Michael McCarthy*, Attorney, appearing for District No. 1, Marine Engineers' Beneficial Association.

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 on March 2, 2004, 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 48-04.

In its complaint, MEBA charged WSF with engaging in unfair labor practices within the meaning of RCW 47.64.130(1) by refusing to bargain collectively with representatives of employees. Specifically, MEBA alleged that WSF unilaterally repudiated the MEC-approved Settlement Agreement (in Case 17-04), announcing that WSF would not meet with MEBA to negotiate the 2003-2005 contracts. (Previously, in resolution of Case 17-04, the parties had scheduled four dates in January 2004 to negotiate.)

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.

Commissioner John Byrne was assigned to serve as Mediator at the settlement conference scheduled for May 6, 2004. Commissioner John Sullivan was designated to act as Hearing Examiner at the hearing scheduled on July 27, 2004.

The matter was not resolved at the May 6 settlement conference; however, on July 16, MEBA reported that the parties were in the process of selecting dates for bargaining the 2003-2005 contracts. At that time, MEBA also reported that the Union had put the 2001-2003 proposed contracts out for ratification vote and the results would be available after August 4. On that basis, the MEC cancelled the July 27 hearing date.

On August 30, 2004, MEBA Attorney Michael McCarthy requested the MEC reschedule a hearing date, asserting that WSF failed to follow through with its informal representation that it would bargain the 2003-2005 contracts. The hearing was continued to October 29, 2004.

WSF filed its answer to the complaint on October 13. During MEC's October 22 public meeting, Mario Micomonaco, MEBA Business Agent, withdrew the complaint on the basis that Paul Elsey, Negotiator for WSF, has given MEBA the date of October 29, 2004 for the parties to meet to assign dates for negotiating the 2003-2005 contracts.

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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. 48-04, is closed in acknowledgment of the parties' agreement.

DATED this 1st day of November 2004.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner