

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

DISTRICT NO. 1, MARINE  
ENGINEERS' BENEFICIAL  
ASSOCIATION,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 5-00

DECISION NO. 240 - MEC

ORDER DISMISSING  
ADJUSTED COMPLAINT

Michael McCarthy, attorney at law, appearing for and on behalf of District No. 1, Marine Engineers' Beneficial Association.

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

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on April 21, 2000, when Parè Abbott, District No. 1, Marine Engineers' Beneficial Association (MEBA), filed an unfair labor practice complaint against the Washington State Ferries (WSF). MEBA'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, MEBA alleged that WSF had been "unable/unwilling to comply with the terms of the contracts and the timely resolving of grievances and disputes." The complaint was forwarded to MEC Commissioners for initial review.

On May 12, 2000, Attorney Michael McCarthy filed a Notice of Appearance in this matter with a request that the MEC postpone making an initial determination on the complaint until May 31, allowing Mr. McCarthy time to amend the charges. The Commission granted Mr. McCarthy's request.

Mr. McCarthy filed an amended complaint on May 31, 2000 which charged WSF with refusing to bargain in good faith with the Union by consistently engaging in a practice of unilaterally changing terms and conditions of employment without notice or opportunity to bargain and delaying the processing of grievances well beyond contractual time limits, or ignoring them entirely. MEBA further asserted that WSF reneged on some agreements from the parties' January 12, 2000 grievance meeting.

The Commission reviewed the amended complaint and determined that the facts alleged may constitute unfair labor practices, if later found to be true and provable. A settlement conference was scheduled for July 20, 2000. Commissioner David E. Williams was assigned to conduct the hearing on August 4, 2000

By telephone on July 19, 2000, MEBA counsel Mike McCarthy notified the MEC that the parties had reached a mutually agreeable settlement of MEC Case No. 5-00.

On August 16, 2000, Mr. McCarthy provided the MEC with a copy of the parties' signed Settlement Agreement, which includes withdrawal of the complaint. The agreement 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 MEBA against WSF and docketed as MEC Case No. 5-00, be dismissed.

DATED this 30<sup>th</sup> day of August 2000.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ DAVID E. WILLIAMS, Commissioner

## SETTLEMENT AGREEMENT

The Marine Engineers Beneficial Association (“MEBA” or “the Union”) and the Washington State Ferries System (“the Ferries”) wish to settle MEBA’s unfair labor practice complaint, MEC Case No. 5-00, currently scheduled for hearing on August 4, 2000. In furtherance of this settlement, the parties agree as follows:

1. MEBA will withdraw its unfair labor practice complaint, MEBA Case 5-00;
2. The Ferries agrees to meet with MEBA representatives for three hours every other week to discuss pending grievances and other outstanding bargainable issues. The meetings will take place at the Ferries’ offices in the “2911 Building;”
3. The bi-weekly meeting may be cancelled or skipped only by mutual agreement of the parties. Both parties hereby make a good faith commitment not to require that the meeting be convened if there are no grievances pending or other bargainable issues requiring discussion;
4. MEBA representatives will contact the Ferries’ representatives two days prior to each bi-weekly meeting (e.g., anytime on Tuesday for a Thursday, 9 A.M. meeting) to inform Ferries’ representatives of the agenda, including which pending grievances will be up for discussion. Both parties agree to arrive at the bi-weekly meeting fully prepared to discuss all items on the agenda;
5. Both parties agree to negotiate in good faith in an effort to resolve outstanding grievances and agree that their representatives at the bi-weekly meetings will have authority to settle outstanding grievances.

DATED: 7-19-2000

MARINE ENGINEERS BENEFICIAL  
ASSOCIATION WSF REPRESENTATIVE  
/s/ Mario Micomonaco

WASHINGTON STATE FERRIES  
/s/ Michael Manning