

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INTERNATIONAL ORGANIZATION
OF MASTERS, MATES and PILOTS,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 51-03

DECISION NO. 418 - MEC

ORDER CLOSING
SETTLED COMPLAINT

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

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 June 13, 2003 when Steve Ross, counsel for the Masters, Mates and Pilots (MM&P), filed an unfair labor practice complaint against the Washington State Ferries (WSF). MM&P's complaint was accompanied by notice of intent to file a motion for temporary relief. The matter was docketed as MEC Case No. 51-03.

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

Specifically, MM&P alleged that WSF unilaterally changed the terms and conditions of deck officers' employment without bargaining with the Union. On June 9, 2003 Port Captain Saffle confirmed to Captain Steve Demeroutis that, effective June 15, masters and mates serving on Point Defiance-Tahlequah "touring watches" would be told to sleep during part of their

scheduled work hours, apparently to meet certain Coast Guard requirements regarding crew endurance. MM&P maintained that the unilateral change would seriously jeopardize safety of passengers and crew and could put a deck officer in the position of being subject to discipline if problems arose while the deck officer was asleep.

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. A settlement conference was scheduled for July 30, 2003 with Commissioner John Sullivan assigned as Mediator. Commissioner John Byrne was designated as Hearing Examiner and the hearing scheduled for September 25, 2003.

The matter was not resolved during the July 30 settlement conference, but progress was made. On September 23, Steve Ross, counsel for MM&P requested the September 25 hearing date be converted to an additional settlement conference. The Commission agreed and Mediator Sullivan met again with the parties. They were unable to fully resolve the dispute, but intended to continue discussions. The hearing was rescheduled for November 18, 2003.

On November 12, 2003, AAG Slown informed the MEC that MM&P and WSF had settled the matter. The settlement agreement had not been finalized, but Mr. Slown indicated the parties jointly requested that the MEC cancel the November 18 hearing. Once they completed and signed the agreement, a copy was to be provided to the MEC. The hearing was cancelled.

As of June 18, 2004, the Commission had not yet received the parties settlement agreement or MM&P's request to withdraw the complaint.

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ORDER

Based upon the verbal report from the parties that this complaint is resolved, it is hereby ordered that the unfair labor practice complaint, filed by the MM&P against WSF and docketed as MEC Case 51-03, is closed as settled, unless either party files an objection with the Commission within ten (10) days of the date of this Order.

If the parties forward a copy of a signed settlement agreement to the MEC, it will be attached to this Order.

DATED this 7th day of July 2004.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner