

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INTERNATIONAL ORGANIZATION
OF MASTERS, MATES & PILOTS,

Complainants,

v.

WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION, FERRIES
DIVISION,

Respondent.

MEC CASE NO. 8-10

DECISION NO. 597 - MEC

ORDER CLOSING
SETTLED COMPLAINT

Garretson, Gallagher, Fenrich and Makler, by *Rhonda Fenrich*, Attorney, appearing for the International Organization of Masters, Mates and Pilots.

Robert McKenna, Attorney General, by *David Slown*, Assistant Attorney General, appearing for Washington State Department of Transportation, Ferries Division.

This matter came before the Marine Employees' Commission (MEC) on December 21, 2009, when the International Organization of Masters, Mates and Pilots (MMP) filed an unfair labor practice complaint, MEC Case No. 8-10, against the Washington State Department of Transportation, Ferries Division (WSF).

The complaint filed by MMP 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, MMP alleged that in May 2009, WSF unilaterally terminated the dispatch by seniority program, failing to adhere to the Collective Bargaining Agreement, the parties' agreement for expedited bargaining and the submission of this issue to interest arbitration.

Following review of the complaint, the Commission determined that the facts alleged may constitute an unfair labor practice, if later found to be true and provable. Chairman John Swanson was assigned as Mediator for the settlement conference scheduled on April 26, 2010. Commissioner John Cox was designated to act as Hearing Examiner and a hearing scheduled for June 17, 2010.

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On April 1, 2010, the parties requested the April 26 settlement conference be postponed to wait for an interest arbitration decision which they believed would be useful in settlement discussions for this matter. The settlement conference was rescheduled for May 12. Although the arbitration decision had not been received, the parties engaged in settlement discussions on that date with the MEC mediator present.

On June 3, 2010, the parties requested that the June 17 hearing date be postponed because they had not received the related interest arbitration decision.

The parties received the Arbitrator's award on June 20, 2010; a Petition for Reconsideration and Motion to Stay Implementation of the Award was filed and denied by the Arbitrator. The Award provided an interim process, which went into effect with the fall schedule, while the parties continued meeting to bargain a detailed dispatch by seniority program.

On January 5, 2010, Jerry Holder, Labor Negotiator, notified the MEC that the matter has been resolved. A copy of the parties' signed Letter of Understanding is appended to and becomes a part of this Order by reference.

ORDER

It is hereby ordered that the unfair labor practice complaint, filed by MMP against WSF, and docketed as MEC Case 8-10, is closed in acknowledgement of the parties' agreement.

DATED this 19th day of January 2011.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN COX, Commissioner