

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

MICHAEL ZUVELA,

Complainant,

v.

INTERNATIONAL ORGANIZATION OF
MASTERS, MATES & PILOTS and
WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION, FERRIES
DIVISION,

Respondents.

MEC CASE NO. 25-07

DECISION NO. 546 – MEC

ORDER OF DISMISSAL

Connor & Sargent, by *Stephen Connor*, Attorney, appearing for Michael Zuvela.

Wolfstone, Panchot & Bloch, by *Steve Ross*, Attorney, appearing for the International Organization of Masters, Mates & Pilots (MM&P).

Rob McKenna, Attorney General, by *David Slown*, Assistant Attorney General, appearing for Washington State Department of Transportation, Ferries Division (WSF).

This matter came before the Marine Employees' Commission (MEC) on June 12, 2007 when Michael Zuvela filed a grievance against Washington State Ferries. When the Commission could not discern from the facts presented whether it had authority to hear the grievance, it issued an Order to Show Cause. Attorney Stephen Connor filed a response on behalf of Mr. Zuvela on July 27 and WSF replied to that response on July 31.

On November 30, 2007, the Commission dismissed Mr. Zuvela's request for arbitration for lack of jurisdiction, Decision 534-MEC. Complainant filed a Request for Review. The Commission reaffirmed its decision; however, it granted Complainant's request that the MEC accept jurisdiction to hear an alleged breach of the union's duty of fair representation arising

from the facts given in his request for arbitration. On February 4, 2008, Attorney Connor subsequently filed a motion to convert the grievance to an unfair labor practice charge against MM&P and WSF.

The parties participated in a settlement conference with Chairman John Swanson on March 13, 2008, but were unsuccessful at resolving the complaint. MEC staff contacted Mr. Connor on March 25 and May 20 for dates of availability to schedule a hearing; counsel indicated he would contact his client and get back to the MEC.

On July 15, 2008, having heard nothing further from Mr. Connor, the Commission issued an Order to Show Cause why the complaint should not be dismissed. Complainant's response, if any, was to be filed before July 29. The Commission, having received no response to the Order to Show Cause, hereby enters the following Order of Dismissal.

ORDER

It is hereby ordered that the unfair labor practice charge, filed by Michael Zuvela against the MM&P and the WSF and docketed as MEC Case 25-07, be dismissed.

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RECONSIDERATION

Pursuant to the provisions of RCW 34.05.470, any party may file a petition for reconsideration with the Commission within ten days from the date this final order is mailed. Any petition for reconsideration must state the specific grounds for the relief requested. Petitions that merely restate the party's previous arguments are discouraged. A petition for reconsideration does not stay the effectiveness of the Commission's order. If no action is taken by the Commission on the petition for reconsideration within twenty days from the date the petition is filed, the petition is deemed to be denied, without further notice by the Commission. A petition for reconsideration is not a prerequisite for seeking judicial review.

DATED this 29th day of July 2008.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ PATRICIA WARREN, Commissioner