

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

MARINE ENGINEERS' BENEFICIAL
ASSOCIATION,

Complainant,

v.

WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION, FERRIES
DIVISION,

Respondent.

MEC CASE NO. 20-10

DECISION NO. 582 - MEC

ORDER OF DISMISSAL
REJECTING UNFAIR LABOR
PRACTICE COMPLAINT

Jeff Duncan, Union Representative, appearing for the Marine Engineers' Beneficial Association (MEBA).

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

THIS MATTER came before the Marine Employees' Commission (MEC) on May 27, 2010 when the Marine Engineers' Beneficial Association filed an unfair labor practice complaint against the Washington State Ferries. The matter was docketed as MEC Case No. 20-10.

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; encouraging or discouraging membership in an employee organization by discrimination in regard to: hiring, tenure, any term or condition of employment; and refusing to bargain collectively with representatives of employees.

Specifically, MEBA alleged that on May 24, 2010, WSF made a unilateral change in the dispatching of On-Call Oilers when it informed those at the top of the seniority list they would be dispatched for six days in a week, to avoid paying them overtime for the last four hours of their seventh day. MEBA asserted that WSF's action was in violation of Rule 1.14 and 12.02(b).

DETERMINATION BY COMMISSION

Pursuant to WAC 316-45-110, the Commission has reviewed MEBA's complaint, Case 20-10, and determined that the facts as alleged do not constitute an unfair labor practice under RCW 47.64.130 and WAC 316-45-003. The facts contained in MEBA's complaint state violations of the collective bargaining agreement between WSDOT/WSF and MEBA—specifically, Rule 1.14 and Rule 12.02(b) On-Call Employees. They would be more appropriately addressed under the parties' contractual grievance procedures.

ORDER

It is hereby ordered that the unfair labor practice complaint, filed by MEBA against WSF and docketed as MEC Case 20-10 is dismissed.

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

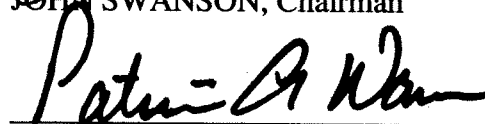
Commission on the petition for reconsideration within twenty days from the date the petition is filed, the petition is deemed to be denied, without further notice by the Commission. A petition for reconsideration is not a prerequisite for seeking judicial review.

DATED this 22nd day of June 2010.

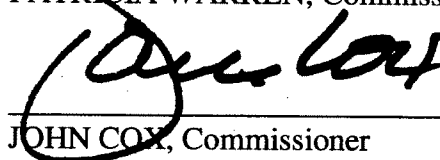
MARINE EMPLOYEES' COMMISSION



JOHN SWANSON, Chairman



PATRICIA WARREN, Commissioner



JOHN COX, Commissioner

*By telephone
authorization
L. Honeter*

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CERTIFICATE OF SERVICE

I certify that I served a copy of ORDER OF DISMISSAL REJECTING UNFAIR
LABOR PRACTICE COMPLAINT, DECISION NO. 582-MEC, on all parties or their counsel
of record on June 22, 2010 as follows:

- Facsimile and US Mail via Consolidated Mail Service
- US Certified Mail, Return Receipt Requested via Consolidated Mail Service
- Personal Delivery by _____


TO: Jeff Duncan
Union Representative
MEBA
5527 Airport Way South, Suite 101
Seattle, WA 98108

David Slown
Assistant Attorney General
Labor & Personnel
P.O. Box 40145
Olympia, WA 98504-0145

(Courtesy copy by mail to: Karol Kingery, MEBA; Leah Maurseth, WSF; Glenn Frye, OFM/LRO.)

I certify under penalty of perjury under the laws of the state of Washington, that the
foregoing is true and correct.

Dated this 22nd day of June 2010 at Olympia, WA.


Linda Hoverter, Special Asst.

CERTIFICATE OF SERVICE