

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

WILLIAM L. HARPHAM,)	MEC Case No. 24-95
)	
)	DECISION NO. 147 - MEC
Complainant,)	
)	
v.)	ORDER OF DISMISSAL
)	
WASHINGTON STATE FERRIES)	
and DISTRICT NO. 1 MEBA,)	
)	
Respondents.)	
_____)	

THIS MATTER came before the Marine Employees' Commission on December 19, 1995 when William L. Harpham filed an unfair labor practice complaint against the Washington State Ferries (WSF) and District No. 1 MEBA (MEBA).

Mr. Harpham'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. Mr. Harpham charged District No. 1 MEBA with engaging in unfair labor practices within the meaning of RCW 47.64.130(2) by restraining or coercing employees in the exercise of guaranteed rights, causing or attempting to cause WSF to discriminate against an employee in violation of WAC 316-45-00391) (c), and by refusing to bargain collectively with WSF.

Specifically, William Harpham alleged that WSF discriminated against him in the matter of reimbursement for travel time and mileage while his assigned vessel was in the shipyard. He further alleged that MEBA failed to fairly represent him in a grievance filed on his behalf with the MEC (MEC Case No. 18-95) on September 28, 1995 and subsequently withdrawn on December 13, 1995 prior to a prehearing conference being held. William Harpham asserted that MEBA withdrew his grievance without prior notice or explanation to him.

This matter was docketed as MEC Case No. 24-95. Letters acknowledging receipt of the ULP complaint were sent to the parties. Copies of the complaint were distributed for review and processing by the MEC. Commissioner John P. Sullivan was assigned to act as hearing examiner.

By facsimile on January 25, 1996, MEC received a letter from William Harpham requesting withdrawal of the matter. On February 5, 1996, MEC received an additional memorandum from Mr. Harpham, which left in doubt his intention to withdraw. By letter dated February 27, 1996, MEC Administrative Assistant Janis Lien requested Mr. Harpham clarify in writing whether or not he wished to proceed to hearing of his unfair labor practice charges. Mr. Harpham responded by memo received March 4, 1996, that he was indeed withdrawing the charges filed herein.

ORDER

It is hereby ordered that the unfair labor practice complaint, filed by William L. Harpham against WSF and District No. 1 MEBA, docketed as MEC Case No. 24-95, is dismissed without prejudice.

DONE this 11th day of March 1996.

MARINE EMPLOYEES' COMMISSION

/s/ HENRY L. CHILES, JR. Chairman

/s/ JOHN P. SULLIVAN, Commissioner

/s/ DAVID E. WILLIAMS, Commissioner