

RESOLUTION 20-17 – AUTHORIZING UNION RECOGNITION OF CERTAIN PEAK-PART TIME PERSONNEL AND APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) AND SIDE LETTER AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND THE MARINE ENGINEERS’ BENEFICIAL ASSOCIATION (MEBA)

WHEREAS, The Delaware River and Bay Authority (the “Authority”) operates the Delaware Memorial Bridge, Cape May-Lewes Ferry, Forts Ferry Crossing, and five (5) airport facilities; and

WHEREAS, permanent full-time ferry crew and marine mechanical personnel including pilots, mates, able bodied seamen, ordinary seamen, chief engineers, first assistant engineers, third assistant engineers, QMEDs, oilers, and wipers; and marine mechanics, assistant mechanics, marine electricians, electronic technicians and welders and employed by the Authority at its Lewes, Delaware and Cape May, New Jersey facilities voluntarily designated the Marine Engineers’ Beneficial Association (MEBA) to represent them in an election held in 2000 with the first collective bargaining agreement effective January 1, 2002; and

WHEREAS, in 2018, the Authority and MEBA negotiated and executed the most recent Collective Bargaining Agreement (the “Agreement”) which expires on December 31, 2022; and

WHEREAS, the purpose of the Agreement was to promote and maintain a harmonious relationship between the Authority and its employees; and

WHEREAS the Agreement excludes captains, terminal mechanics, painters, dock attendants, cleaners, office clerical employees, food service and gift shop employees, law enforcement employees, managers, supervisors, confidential employees, professional employees, seasonal employees and all other employees; and

WHEREAS, in 2018, the Authority adopted Resolution 18-45 which created a new classification of peak part-time employees and 18-46 which created a new voluntary benefits plan for the peak part-time employees; and

WHEREAS, MEBA filed a grievance alleging that this new classification violated the Collective Bargaining Agreement, the merits of which are disputed by the parties and have not been finally adjudicated; and

WHEREAS, the Authority and MEBA have negotiated a Memorandum of Understanding (MOU) to settle the grievance regarding the classification of certain peak part-time employees; and

WHEREAS, the Authority and MEBA have also negotiated a Side Letter Agreement to amend the Collective Bargaining Agreement which expires on December 31, 2022 and recognize MEBA as the designated collective bargaining representative for peak part-time ordinary seamen and all permanent full-time ferry crew and marine mechanical personnel including pilots, mates, able bodied seamen, ordinary seamen, chief engineers, first assistant engineers, third assistant engineers, QMEDs, oilers, wipers, marine mechanics, assistant mechanics, marine electricians, electronic technicians and welders employed by the DRBA at its Lewes, Delaware and Cape May,

New Jersey facilities, excluding captains, terminal mechanics, painters, dock attendants, cleaners, office clerical employees, food service and gift shop employees, law enforcement employees, managers, supervisors, confidential employees, professional employees, seasonal employees and all other employees; and

WHEREAS, the Personnel Committee has reviewed the terms of the Memorandum of Understanding and Side Letter Agreement and has recommended approval thereof by the Commissioners; and

WHEREAS, the provisions of this Memorandum of Understanding and Side Letter Agreement shall become effective on the date provided in these respective documents; and

NOW, THEREFORE, BE IT RESOLVED, that the grievance between the Parties is resolved as outlined in the MOU; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that MEBA is the designated collective bargaining representative for peak part-time ordinary seamen and all permanent full-time ferry crew and marine mechanical personnel currently covered by the Collective Bargaining Agreement; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that with the advice of counsel, the Chairperson, Vice Chairperson and Executive Director are hereby authorized and directed to execute such MOU and Side Letter Agreement as may be necessary to carry out this purpose.

Resolution 20-17 Executive Summary Sheet

Resolution: Authorizing Union Recognition of Certain Peak Part-time Personnel and Approval of a Memorandum of Understanding (MOU) and Side Letter Agreement Between the Delaware River and Bay Authority and the Marine Engineers' Beneficial Association (MEBA)

Committee: Personnel Committee

Committee/Board Date:

June 16, 2020

Purpose of Resolution:

To authorize an MOU to resolve a grievance filed by MEBA regarding the classification of peak part-time employees and authorize a Side Letter Agreement to recognize MEBA as the designated collective bargaining representative for peak part-time ordinary seamen and permanent full-time ferry crew and marine mechanical personnel between Delaware River and Bay Authority (the "Authority") and the Marine Engineers' Beneficial Association ("MEBA") memorializing same.

Background for Resolution:

Resolution 18-45 to add the Peak Part-time employee classification and Resolution 18-46 designating a voluntary benefits program for Peak Part-time employees were submitted to and approved by the Personnel Committee and Board of Commissioners on December 18, 2018.

To date, the Authority has hired three (3) Peak Part-time employees as Ordinary Seaman in Marine Operations.

MEBA filed a grievance alleging that the Authority violated the current Collective Bargaining Agreement (CBA) by creating the Peak Part-time position.

While acknowledging the merits of the grievance were in dispute, the Authority and MEBA conducted a mediation to settle the grievance. The parties negotiated an MOU for the settlement of the grievance and a Side Letter Agreement to amend the current Collective Bargaining Agreement containing the following provisions:

1. Recognition of MEBA as the designated bargaining representative of Peak Part-Time ordinary seamen and all permanent full-time ferry crew and marine mechanical employee classifications currently identified in the CBA without the need for a formal Union election.
2. Removal of Article 2.1 which states "The Permanent Part-Time employee classification is abolished for all agreement-covered positions."

3. Execution of a Side-Letter Agreement identifying other portions of the CBA that are amended to reflect the incorporation of the Peak Part-Time Classification.
4. Provisions expire December 31, 2022.
5. No change in the wage scale during the term of the current CBA.