

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC on behalf of
LEE HEWITT,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 16-02

DECISION NO. 302 - MEC

ORDER OF DISMISSAL

Schwerin, Campbell and Barnard, Attorneys, by *Dmitri Iglitzin*, appearing for and on behalf of the Inlandboatmen's Union of the Pacific and Lee Hewitt.

Christine Gregoire, Attorney General, by *David Slown*, Assistant Attorney General, appearing for and on behalf of Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on December 28, 2001, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of Lee Hewitt. In its grievance arbitration request, IBU asserted that Washington State Ferries (WSF) violated the following sections of the IBU/WSF Collective Bargaining Agreement:

- Rule 11-Overtime
- Rule 12-Part-time and On-call Employees
- Rule 16-Disputes/deemed to be granted
- Rule 21-Seniority and Assignments
- Appendix B

IBU certified that the grievance procedures in the pertinent IBU/WSF Collective Bargaining Agreement had been utilized and exhausted. In addition, the union certified that the arbitrator's decision shall not change or amend the terms, conditions or application of said collective bargaining agreement and that the arbitrator's award shall be final and binding.

The request for grievance arbitration was docketed as MEC Case No. 16-02. Commissioner John Sullivan was assigned to act as Mediator at a settlement conference scheduled for January 23, 2002. Commissioner John Byrne was designated to act as Arbitrator at the hearing on February 25, 2002.

A serious health issue prevented Commissioner Sullivan from convening the settlement conference; Commissioner Byrne was substituted to act as Mediator. During the settlement conference on January 23, with Commissioner Byrne's assistance, the parties reached agreement. Commissioner Byrne forwarded the parties' signed settlement agreement (which includes withdrawal of the grievance) to the MEC office. That agreement is appended to and becomes a part of this Order by reference.

ORDER

It is hereby ordered that the request for grievance arbitration, filed by the Inlandboatmen's Union of the Pacific on behalf of Lee Hewitt and docketed as MEC Case No. 16-02, be dismissed.

DATED this 5th day of February 2002.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

SETTLEMENT AGREEMENT
MEC Case No. 16-02

It is agreed that Ms. Hewitt is entitled to 8 hours OT for 9/21/01. She has been paid 1 hr OT.

The ferry system will verify she has been paid the other 7 hrs OT or will pay her 7 hrs OT no later than the payroll of the second part of Feb '02.

Grievance withdrawn as settled.

/s/ David J. Slown
WSF

/s/ Dennis Conklin
IBU

Date: 1/23/02