

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC on behalf of
ANITA FERGUSON,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 17-02

DECISION NO. 303 - 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 Anita Ferguson.

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 Anita Ferguson. In its grievance arbitration request, IBU asserted that Washington State Ferries (WSF) violated the following sections of the IBU/WSF Collective Bargaining Agreement:

- Rule 12-Part-time and On-call Employees/job assignments
- 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. 17-02. 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 Anita Ferguson and docketed as MEC Case No. 17-02, 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. 17-02

Because of the unique circumstances of this case, the parties agree to resolve it on a non-precedential basis by the payment of 5 hours straight time to the grievant, Anita Ferguson.

Grievance withdrawn as settled.

/s/ David J. Slown, WSF
1/13/02

/s/ Dennis Conklin, IBU