

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC,

Grievant,

v.

WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION, FERRIES
DIVISION,

Respondent.

MEC CASE NO. 23-07

DECISION NO. 573 – MEC

ORDER CLOSING
SETTLED GRIEVANCE

Schwerin, Campbell, Barnard, Iglitzin and Lavitt, by *Robert Lavitt*, Attorney, appearing for the Inlandboatmen's Union of the Pacific.

Rob McKenna, Attorney General, by *Don Anderson*, Assistant Attorney General, appearing for Washington State Department of Transportation, Ferries Division.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on April 20, 1007, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration, which was docketed as MEC Case No. 23-07. The IBU's grievance alleged that Elizabeth Johnston and others, hired in January and May 2006, were told at various times by Human Resource personnel at Washington State Ferries (WSF), that they must have six continuous months with eighty hours, or six months with eighty hours, in order to be eligible for insurance benefits. The IBU asserted that WSF violated Rule 22.02 of the contract, which provides that eligibility for insurance benefits begins the first day of the seventh month of employment.

Chairman John Swanson was assigned to act as Mediator for the settlement conference scheduled on July 23, 2007. Commissioner John Sullivan was designated to act as Arbitrator and

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a hearing scheduled for August 22, 2007. The parties participated in settlement conferences on July 23 and August 22, 2007 (the hearing was converted to another settlement conference) and June 17, 2008. The parties continued discussions for some time thereafter.

On October 27, 2009, WSF provided the Commission with a copy of the parties' signed settlement agreement, which constitutes withdrawal of Case 23-07. 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 IBU and docketed as MEC Case No. 23-07, is closed in acknowledgement of the parties' agreement.

DATED this 19th day of November 2009.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ PATRICIA WARREN, Commissioner

/s/ JOHN COX, Commissioner



**Washington State
Department of Transportation**
Paula J. Hammond, P.E.
Secretary of Transportation

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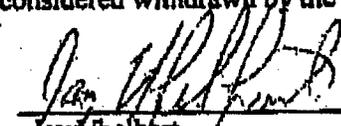
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OLYMPIA, WA

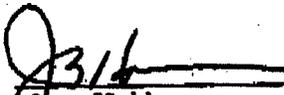
SETTLEMENT AGREEMENT
MEC Case No. 23-07 (Johnston)
and
MEC Case No. 9-09 (Seeklander et al)

The Washington State Department of Transportation Ferries Division (WSF) and the Inlandboatmen's Union of the Pacific (IBU) hereby agree as follows to resolve MEC Case No. 23-07 and MEC Case No. 9-09. This dispute arose over the timing and manner in which new hires become eligible for medical benefits pursuant to the parties' collective bargaining agreement (CBA) and the Public Employees Benefits Board (PEBB) program.

1. Consistent with the parties' previous Morvan agreement, WSF agrees all first year on-call deck employees and on-call terminal department employees will be laid off at the end of Summer Season.
2. If an employee is recalled to work, the employee will be eligible for medical benefits pursuant Rule 20 Health and Welfare of the collective bargaining agreement.
3. The two above referenced cases will be considered withdrawn by the IBU upon presentation by either party to the MEC.


Paul A. Ganalon
Labor Relations Manager
WSDOT Ferries
10-26-09
Date


Jay Uebelhart
Business Agent
Inlandboatmen's Union
10/26/09
Date


Jerry Holder
Labor Negotiator
OFM Labor Relations Office
10/26/09
Date