

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION  
OF THE PACIFIC on behalf of  
DAVID MCKENZIE et al,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 39-02

DECISION NO. 322 - 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 David McKenzie, et al.

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 April 29, 2002, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of David McKenzie et al. IBU's statement of facts declared the grievance a system-wide class action involving denial of holiday pay in five-minute increments.

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. 39-02. Commissioner John Sullivan was assigned to act as Mediator at a settlement conference

scheduled for June 7, 2002. Commissioner John Byrne was designated to act as Arbitrator at the hearing on September 20, 2002.

During the settlement conference on June 7, with Commissioner Sullivan's assistance, the parties reached agreement. Commissioner Sullivan forwarded the parties' signed settlement agreement (which constitutes 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 David McKenzie et al. and docketed as MEC Case No. 39-02, be dismissed.

DATED this 24th day of June 2002.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

*Settlement Agreement*

MEC Case No. 39-02

In full and complete settlement of MEC Case No. 39-02, the parties agree as follows:

WSF Agrees:

1. To pay David McKenzie an additional one-quarter hour of Holiday Pay for his work on December 25, 1999, above that already paid.
2. To continue its existing practice of paying non-overtime holiday pay in one-quarter-hour increments, rounding up.

IBU Agrees:

To withdraw MEC case 39-02, by providing a signed copy of this agreement to MEC.

/s/ Dennis Conklin  
for the IBU 6/7/02

/s/ Michael Manning  
for WSF 6/7/02