

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. 9-10

DECISION NO. 598 – MEC

ORDER CLOSING
SETTLED GRIEVANCE

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

Jerry Holder, Labor Negotiator, appearing for Washington State Department of Transportation, Ferries Division.

This matter came before the Marine Employees' Commission (MEC) on January 27, 2010, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration, which was docketed as MEC Case No. 9-10. The IBU's grievance alleged that WSF failed to pay Keith Hunt travel time and mileage for days worked in Anacortes in the summer of 2009. The IBU asserted that the settlement in MEC Case 21-08 requires payment of travel time and mileage for employees assigned AB work in Anacortes.

Commissioner John Cox was assigned to act as Mediator for the settlement conference scheduled on March 12, 2010. Chairman John Swanson was designated to act as Arbitrator and a hearing scheduled for July 16, 2010. The parties engaged in settlement discussions on March 12, but were unable to resolve the matter.

WSF requested the July 16 hearing be continued, due to a problem with a witness; MEC rescheduled for January 6, 2011. On that date, the parties gathered for the hearing. Arbitrator Swanson did not convene the hearing when the parties indicated they would like to make another effort at resolving the matter. IBU and WSF were successful at reaching an agreement.

ORDER CLOSING
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On January 6, 2010, WSF provided the MEC with a signed copy of the settlement agreement, which constitutes withdrawal of Case 9-10. 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. 9-10, is closed in acknowledgement of the parties' agreement.

DATED this 19th day of January 2011.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN COX, Commissioner

MEC Case No. 9-10

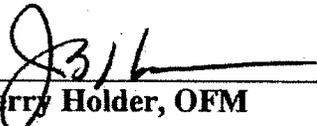
JAN 06 2011
MARINE EMPLOYEES' COMMISSION
OLYMPIA, WA

Inlandboatmen's Union of the Pacific (IBU)
And
Keith Hunt
And
The Washington State Department of Transportation Ferries Division
(WSF)

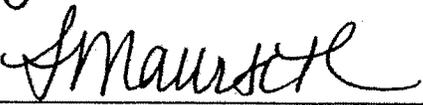
In order to resolve the above referenced grievance regarding a dispute over travel time and mileage the parties hereby agree as follows:

1. WSDOT WSF hereby agrees not to pursue or attempt to recover any alleged overpayment to the grievant, Keith Hunt, in connection with his work on Summer 2009 Q-Watch.
2. In exchange, the IBU will withdraw the above referenced grievance, with prejudice.

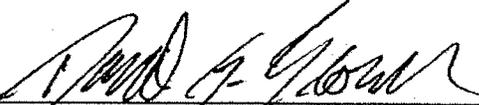
The parties acknowledge and agree that this Agreement and the parties' mutual obligations under this Agreement do not constitute an admission by any party as to the validity of any claims or defenses of any other party.



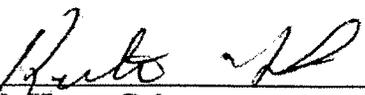
Jerry Holder, OFM
Date 1/6/11



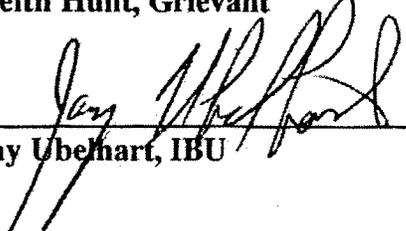
Leah Maurseth, WSDOT
Date 1/6/11



Dave Slown, AGO
Date 1/6/11



Keith Hunt, Grievant
Date 1/6/11



Jay Ubelhart, IBU
Date 2/6/2011