

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION  
OF THE PACIFIC on behalf of  
JESSE EATON,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 10-02

DECISION NO. 311 - 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 Jesse Eaton.

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 November 19, 2001, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of Jesse Eaton. In its grievance arbitration request, IBU asserted that Washington State Ferries (WSF) disciplined Jesse Eaton without just cause; i.e., for not appearing for a fact-finding meeting of which he was not aware.

IBU certified that the grievance procedures in the pertinent IBU/WSF Collective Bargaining Agreement were 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. 10-02. Commissioner John Sullivan was assigned to act as Mediator at the settlement conference

scheduled on January 7, 2002. Commissioner John Byrne was designated as Arbitrator at the hearing scheduled on February 8, 2002.

The parties were unable to reach agreement during the January 7, 2002 settlement conference, but agreed to continue settlement discussions on February 8, 2002. The hearing date was continued to March 8, 2002.

On January 25, 2002, due to Commissioner Sullivan's health issue, Chairman Nelson continued the settlement conference to February 25, 2002. Commissioner John Byrne was reassigned as Mediator and Chairman Nelson as Arbitrator.

During the settlement conference on February 25, with Commissioner Byrne's assistance, IBU and WSF reached an 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 Jesse Eaton and docketed as MEC Case No. 10-02, be dismissed.

DATED this 6th day of March 2002.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

**SETTLEMENT AGREEMENT**  
**MEC Case No. 10-02**

1. Provided there is no incident of early leaving or leave coming without acceptable excuse prior to July 26, 2002, the suspension letter will be removed from the grievant's file on July 27, 2002 and cannot be used against him.
2. In settlement of the Notice/procedural issue, the grievant will be paid 4 days pay reducing the suspension to 7 days.
3. Grievance withdrawn as settled.
4. The WSF will make every reasonable effort to serve disciplinary letters and/or notice at work in as nondisruptive a fashion as possible.

/s/ Dennis Conklin    2/25/01  
IBU

/s/ David J. Slown    2/25/01  
WSF