

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC on behalf of
BARBARA HARRIS,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 10-04

DECISION NO. 378 - MEC

ORDER DISMISSING
ADJUSTED GRIEVANCE

Dennis Conklin, Business Agent, appearing for the Inlandboatmen's Union of the Pacific and Barbara Harris.

Christine Gregoire, Attorney General, by *David Slown*, Assistant Attorney General, appearing for Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on August 15, 2003, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of Barbara Harris. IBU alleged that WSF harassed Barbara Harris when she called the workplace on July 13, 2002, to report she would be staying home that day to care for her sick child.

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. 10-04.

Commissioner John Sullivan was assigned to act as Mediator at a settlement conference

scheduled for September 12, 2003. Commissioner John Byrne was designated to act as Arbitrator at the hearing scheduled for November 18, 2003.

The parties reached agreement during the September 12 settlement conference. Commissioner Sullivan forwarded the parties' signed settlement agreement to the MEC office (received September 15). The agreement constitutes IBU's request for withdrawal of the grievance. The signed 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 Barbara Harris and docketed as MEC Case No. 10-04, be dismissed.

DATED this 19th day of September 2003.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

SETTLEMENT AGREEMENT
MEC Case No. 10-04

IN FULL AND COMPLETE SETTLEMENT OF MEC Case No. 10-04, the parties, Washington State Ferries (WSF), and the Inlandboatmen's Union of the Pacific (IBU), do hereby agree as follows:

WSF agrees:

1. That, under the terms of the IBU-WSF labor agreement, Rule 23, employees are entitled to take sick leave to care for members of their immediate family who are ill or injured.
2. That dispatchers should not tell employees that they will be subject to discipline for calling in sick. WSF agrees to remind all dispatchers of this within one week of the date of this agreement.

IBU agrees:

To withdraw MEC Case No. 10-04. A signed copy of this agreement shall constitute a request for withdrawal.

The parties mutually agree that neither this agreement nor their labor agreement is intended to limit in any way, any rights of employees under State or Federal law.

/s/ Dennis Conklin 9/12/03
For the IBU

/s/ David J. Slown 9/12/03
For the WSF