

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC on behalf of
GREG TRYON,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 11-03

DECISION NO. 346 - MEC

ORDER DISMISSING
ADJUSTED GRIEVANCE

Dennis Conklin, Business Agent, appearing for and on behalf of the Inlandboatmen's Union of the Pacific and Greg Tryon.

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 August 26, 2002, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of Greg Tryon. IBU asserted that WSF unjustly disciplined Mr. Tryon regarding involvement in the grounding of the ferry SEALTH on May 29, 2001. Additionally, the Union declared the matter "deemed to be granted" under the contract. IBU claimed the following rules were violated: Rule 16 of the IBU/WSF Collective Bargaining Agreement, the Code of Conduct, CFRs and Weingarten rights.

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. 11-03. Commissioner John Byrne was assigned to act as Mediator at a settlement conference scheduled for October 30, 2002. Chairman John Nelson was designated to act as Arbitrator at the hearing scheduled for December 9, 2002.

The parties reached agreement during the October 30 settlement conference. Commissioner Byrne forwarded the parties' signed settlement agreement to the MEC office (received November 1, 2002). The agreement constitutes IBU's request to withdraw 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 Greg Tryon and docketed as MEC Case No. 11-03, be dismissed.

DATED this 7th day of November 2002.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

**Settlement Agreement
MEC Case No. 11-03
10/30/02**

Non-Precedential Settlement Applicable Only to Greg Tryon

1. The Union withdraws the request for arbitration.
2. Both parties agree that the letter of June 20, 2001 suspending Mr. Tryon cannot be used in any manner against Mr. Tryon except in the event issues are raised in the future regarding his performance as a quartermaster steering the vessel.

/s/ Dennis Conklin
IBU

/s/ David J. Slown
WSF