

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC on behalf of
CRAIG SABATINI,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 12-02

DECISION NO. 312 - 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 Craig Sabatini.

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 December 17, 2001, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of Craig Sabatini. In its grievance arbitration request, IBU asserted that Washington State Ferries (WSF) suspended Grievant Craig Sabatini without pay after he had a truck searched on September 14, 2001. IBU asserted that WSF suspended Mr. Sabatini without just cause, subjecting him to unequal punishment.

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 would not change or amend the terms, conditions or application of said collective bargaining agreement and that the arbitrator's award would be final and binding.

The request for grievance arbitration was docketed as MEC Case No. 12-02.

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

on February 28, 2002. Commissioner John Sullivan was designated as Arbitrator to conduct the hearing scheduled on March 12, 2002.

On January 28, 2002, due to Commissioner Sullivan's health concern, Chairman John Nelson was reassigned as Arbitrator.

On February 14, 2002, WSF counsel requested a continuance of the settlement conference due to a scheduling conflict. IBU did not object. Arbitrator Nelson continued the settlement conference to March 1, 2002.

During the settlement conference on March 1, with Commissioner Byrne's assistance, the parties reached an agreement. Commissioner Byrne forwarded the parties' signed settlement agreement, which includes withdrawal of the grievance, to the MEC office. That agreement (received March 4, 2002) 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 Craig Sabatini and docketed as MEC Case No. 12-02, be dismissed.

DATED this 12th day of March 2002.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

SETTLEMENT AGREEMENT
MEC Case No. 12-02
Craig Sabitini

1. The letter of October 5, 2001 will remain in Mr. Sabitini's file until October 5, 2002 at which time it will be removed PROVIDED THAT there is no violation of the same nature. The letter can only be used in the case of security issue violations.
2. Mr. Sabitini specifically states:
 - a. He understands that racial profiling is improper.
 - b. He understands that it is wrong to call WSP or any other law enforcement agency for the purpose of testing response time.
3. Any and all security issues will be handled strictly in accordance with WSF policy.
4. The suspension is set at 1 day (8 hours) and the rest (4 days-32 hours) will be paid as administrative leave with pay.
5. Grievance is withdrawn.

/s/ Steve Rogers
WSF
4/1/02

/s/ Dennis Conklin
IBU
4/1/02