

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION OF	)	MEC Case No. 17-00
THE PACIFIC on behalf of	)	
DAVE HOTOVITSKY,	)	
	)	
Grievant,	)	DECISION NO. 248 – MEC
	)	
v.	)	
	)	ORDER OF DISMISSAL
WASHINGTON STATE FERRIES,	)	
	)	
Respondent.	)	
_____	)	

*Dennis Conklin*, Business Agent, appearing for and on behalf of the Inlandboatmen's Union of the Pacific and Dave Hotovitsky.

Christine Gregoire, Attorney General, by *David Slown*, Assistant Attorney General, for and on behalf of Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on July 11, 2000, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of Dave Hotovitsky. In its grievance arbitration request, IBU asserted that Washington State Ferries (WSF) used Dave Hotovitsky's AB ticket to sail while he was aboard and refused to pay him overtime, in violation of Rule 11.01, 11.01 and 11.05 of the IBU/WSF collective bargaining agreement.

IBU certified that the grievance procedures in the 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. 17-00 and assigned to Commissioner John P. Sullivan, to act as Arbitrator. A hearing was scheduled for October 24, 2000.

The parties assembled on the October 24 hearing date and reached an agreement without the need for convening the hearing. Commissioner Sullivan forwarded the parties' signed, original settlement agreement to the MEC office. The agreement is appended to and becomes a part of this Order by reference.

By facsimile on October 31, 2000, IBU Business Agent, Dennis Conklin withdrew MEC Case No. 17-00.

#### ORDER

It is hereby ordered that the request for grievance arbitration, filed by IBU on behalf of Dave Hotovitsky and docketed as MEC Case No. 17-00, be dismissed.

DATED this 9th day of November 2000.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN D. NELSON, Chairman

/s/ JOHN P. SULLIVAN, Commissioner

/s/ DAVID E. WILLIAMS, Commissioner

**SETTLEMENT AGREEMENT**  
**MEC Case No. 17-00 (Hotovitsky Grievance)**

In full and complete settlement of the above-referenced case; Washington State Ferries (WSF), and the Inlandboatmen's Union of the Pacific, (IBU) hereby agree as follows:

With respect to the "graveyard" shift on the Mukilteo-Clinton run which is the subject of this grievance, the parties agree that the vessel was short one AB crew member for six hours. Accordingly, the two remaining Abs aboard are entitled to three hours extra pay at the AB rate under Rule 7.04 of the Collective Bargaining Agreement.

Each of these ABs has already been paid 1.5 hours of short crew pay at the OS rate. WSF agrees to pay the difference between 1.5 hours of OS pay and three hours at the AB rate to each of the two Abs.

WSF further agrees to make no efforts to recover the short-crew pay of 1.5 hours paid to the two OS's in the crew. It is noted that all four members put in for 1.5 hours of short crew pay, and all were paid at the OS rate.

The IBU agrees to withdraw MEC case No. 17-00 in consideration of this payment by WSF to the other crew members.

/s/ Michael Manning  
For WSF

/s/ Dennis Conklin	10/24/00
/s/ Pete Jones	10/24/04
For IBU	