

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC on behalf of
KRIS HANNAM,

Grievant,

v.

WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION, FERRIES
DIVISION,

Respondent.

MEC CASE NO. 17-10

DECISION NO. 593 – MEC

ORDER OF DISMISSAL

Schwerin, Campbell, Barnard, Iglitzin and Lavitt, by *Robert Lavitt*, Attorney, appearing for the Inlandboatmen's Union of the Pacific.

Rob McKenna, Attorney General, by *Don Anderson*, Assistant Attorney General, appearing for Washington State Department of Transportation, Ferries Division.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on April 20, 2010, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration, docketed as MEC Case 17-10, on behalf of Kris Hannam. The IBU's grievance alleged that Washington State Department of Transportation, Ferries Division (WSF) violated Rules 10.06 and appendix B, Rule 3.04 of the Collective Bargaining Agreement. Kris Hannam was awarded four single days of vacation, September 2—5, 2009. She was later scheduled to work vacation relief August 30, 31 and September 1. The IBU asserted that the four days vacation should have entitled Ms. Hannam to overtime for the three days worked that week.

Commissioner John Cox was assigned to act as Mediator for the settlement conference scheduled on September 15, 2010. Chairman John Swanson was designated to act as Arbitrator and a hearing scheduled for November 2, 2010. Two cases were scheduled for settlement on September 15; the parties did not have sufficient time to discuss Case 17-10 that day. MEC rescheduled the settlement conference for October 14, 2010.

In a letter to IBU on April 26, 2010, Jerry Holder, Negotiator-Labor Relations Office, declared the grievance untimely. Jay Ubelhart, IBU, responded on June 14 indicating that the Union would leave it to the MEC to determine whether the grievance should be moved to arbitration.

The parties participated in a settlement conference on October 14 with Commissioner Cox. At that time, the Collective Bargaining Agreement (CBA) and supporting letters between the parties concerning the failure of the IBU to respond in a timely manner were reviewed. The IBU failed to file its request for arbitration within 15 days following the Pre-Arbitration Review Meeting as specified in the CBA. WAC 316-65-020 provides, "The Commission shall consider such a request for arbitration valid only after any applicable dispute remedies in the pertinent collective bargaining agreement have been exhausted, and within the time limits specified in such agreement."

Commissioner John Cox denies the IBU's request to move this matter forward to arbitration.

ORDER

It is hereby ordered that the request for grievance arbitration, filed by the IBU and docketed as MEC Case No. 17-10, is dismissed.

DATED this 22nd day of October 2010.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ PATRICIA WARREN, Commissioner

/s/ JOHN COX, Commissioner