

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

DEBORAH ELIAS,	)	
	)	
Complainant/Grievant,	)	MEC CASE NO. 18-90
	)	MEC Case No. 19-90
v.	)	
	)	DECISION NO. 67-MEC
WASHINGTON STATE DEPARTMENT	)	
OF TRANSPORTATION, d/b/a THE	)	ORDER APPROVING WITHDRAWAL
WASHINGTON STATE FERRY SYSTEM	)	OF CHARGES AND DISMISSAL
And THE INLANDBOATMEN'S UNION	)	
OF THE PACIFIC-PUGET SOUND	)	
REGION	)	
	)	
Respondents.	)	
_____	)	

Ellen Ryan, attorney, appearing for and on behalf of complainant/grievant.

Kenneth Eikenberry,, Attorney General, by Patricia Nightingale, Assistant Attorney General, appearing for and on behalf of Washington State Ferries.

Hafer, Price, Rinehart and Schwerin, attorneys, by John Burns, appearing for and on behalf of the Inlandboatmen's Union of the Pacific.

THIS MATTER came on before the Marine Employees' Commission for consideration of Deborah Elias' Motion to Dismiss MEC Case No. 18-90 and 19-90.

On October 1, 1990, Deborah Elias filed a request for grievance arbitration (MEC No. 18-90) and unfair labor practice charges (MEC No. 19-90) against Washington State Ferries and the Inlandboatmen's Union of the Pacific in reference to an alleged discharge by WSF.

After initial processing of Ms. Elias' complaint pursuant to WAC 316-45-110, the MEC determined that the facts, if true and provable, may constitute an unfair labor practice. Chairman Dan E. Boyd was appointed Hearing Examiner. At a pre-hearing conference, a hearing date for both matters was set for November 29, 1990; by agreement of all parties, the hearing was subsequently continued to December 13, 1990.

On December 13, 1990, prior to the opening of the hearing, the parties entered into a settlement of both cases.

After the hearing was opened to receive the withdrawal of all matters before the MEC, the parties requested that a proposed settlement stipulation be made a part of the record and that MEC approve the settlement.

On January 16, 1991, a proposed decision and order was received by MEC. The settlement reads as follows:

1. Ms. Elias' seniority date shall be October 14, 1985.
2. Ms. Elias' October 14, 1985 seniority date shall be used in scheduling Ms. Elias for work starting with the Winter 1991 work schedule.
3. Ms. Elias shall communicate whether she wishes to work hours in addition to any part-time post to which her seniority may entitle her. Such communication shall be given to Washington State Ferries management in writing prior to each scheduling period. If Ms. Elias desires not to work additional work hours and has communicated this to Washington State Ferries, then Washington State Ferries shall not ask Ms. Elias to work additional hours.

By this agreement, the parties have stipulated that the agreement is specific to this case and shall not establish a precedent.

After due consideration of the settlement agreement and in accordance with the request of all parties, the settlement agreement is approved.

Pursuant to the withdrawal of the request for grievance arbitration (WAC 316-65-538) and the unfair labor practice complaint (WAC 316-45-090) by Deborah Elias, it is hereby ordered that MEC Case No. 18-90 and MEC Case No. 19-90 are dismissed.

DONE this 4<sup>th</sup> day of February, 1991.

MARINE EMPLOYEES' COMMISSOIN

/s/ DAN E. BOYD, Chairman

/s/ DONALD E. KOKJER, Commissioner

/s/ LOUIS O. STEWART, Commissioner

