

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC on behalf of
BARBARA NETHERCOT,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 19-02

DECISION NO. 307 - 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 Barbara Nethercot.

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 28, 2001, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of Barbara Nethercot. In its grievance arbitration request, IBU asserted that Washington State Ferries (WSF) violated the following sections of the IBU/WSF Collective Bargaining Agreement:

- Rule 11-Overtime
- Rule 16.05-Disputes/deemed to be granted

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. 19-02. Commissioner John Sullivan was assigned to act as Mediator at a settlement conference scheduled for February 15, 2002. Commissioner John Byrne was designated to act as Arbitrator at the hearing on March 26, 2002. Following the development of a serious health issue for Commissioner Sullivan, Commissioner Byrne was substituted to act as Mediator and Chairman John Nelson as Arbitrator.

During a January 23, 2002 IBU/WSF settlement conference for three other related grievances, IBU and WSF agreed to hold the remaining “deemed to be granted” grievances in abeyance pending settlement efforts. (Included MEC Case Nos. 14-02, 19-02, 20-02, 21-02, 22-02 and 23-02.) The parties agreed to participate in mediation on the facts of the above six grievances beginning February 4, 2002. At that time, IBU and WSF reached agreement in Case 19-02.

Commissioner Byrne forwarded the parties’ signed settlement agreement (which includes withdrawal of the grievance) to the MEC office. That agreement is appended to and becomes a part of this Order by reference.

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ORDER

It is hereby ordered that the request for grievance arbitration, filed by the Inlandboatmen's Union of the Pacific on behalf of Barbara Nethercot and docketed as MEC Case No. 19-02, be dismissed.

DATED this 12th day of February 2002.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

SETTLEMENT

1. Reissue the OT policy (sign up) and make sure it is effectively communicated (availability can be updated each pay period.) (Equalization by bid period.)
2. Request for money is not granted.
3. Request for arbitration withdrawn.

/s/ Michael Manning 2/4/02
WSF

/s/ Dennis Conklin 2/4/02
IBU