

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC on behalf of
MEL MARTINEZ,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 2-02

DECISION NO. 292 - MEC

ORDER OF DISMISSAL

Pete Jones, Regional Director, appearing for and on behalf of the Inlandboatmen's Union of the Pacific and Mel Martinez.

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 September 21, 2001, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of Mel Martinez. In its grievance arbitration request, IBU alleged that Washington State Ferries (WSF) owed Grievant Mel Martinez back pay for handling hazardous materials (gas cans) from January 2000 to present.

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 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 MEC docketed the request for grievance arbitration as MEC Case No. 2-02, scheduled a settlement conference for October 23, 2001, and a hearing for November 16, 2001. Commissioner John Sullivan was designated to act as Arbitrator.

With the assistance of Commissioner John Byrne as Mediator, the parties reached a tentative agreement during the conference on October 23. By November 1, 2001, IBU and WSF

notified the MEC that they had approved the proposed agreement. On November 8, 2001, Pete Jones, IBU, withdrew the grievance. The signed settlement agreement 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 Mel Martinez and docketed as MEC Case No. 2-02, be dismissed.

DATED this 20th day of November 2001.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

Proposed Settlement Language for MEC Case No. 2-02

To Be Agreed On or Before

5pm Thursday 11/1/01

1. Terminal and vessel employees are equally eligible for the Rule 30.04 penalty pay although only one person is entitled to the half hour per occurrence unless more than one person is essential for the manual transfer on or off the vessel due to size or weight.
2. Martinez' (grievant) claims will be reviewed and, if appropriate, paid back to 1/1/00.

Proposed by John Byrne, Commissioner 10/23/01

For IBU: 10/31/01

/s/ Pete Jones, Regional Director

For WSF:

/s/ David J. Slown, WSBA 24943

Attorney for WSF