

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC on behalf of
BURT DEZIHAN,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 29-03

DECISION NO. 370 - MEC

ORDER DISMISSING
ADJUSTED GRIEVANCE

Dennis Conklin, Business Agent, appearing for the Inlandboatmen's Union of the Pacific and Burt Dezihan.

Christine Gregoire, Attorney General, by *David Slown*, Assistant Attorney General, appearing for Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on December 19, 2002, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of Burt Dezihan. IBU asserted that WSF unjustly terminated Burt Dezihan.

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. 29-03.

Commissioner John Byrne was assigned to act as Mediator at a settlement conference scheduled

for January 30, 2003. Commissioner John Sullivan was designated to act as Arbitrator at the hearing scheduled for February 24, 2003.

The parties were unable to reach agreement during the January 30 settlement conference. On February 19, 2003, IBU requested a continuance of the hearing to allow time for the grievant to complete treatment and evaluation. Arbitrator Sullivan granted the request and continued the hearing to May 21, 2003.

On May 20, IBU provided the MEC with a copy of the parties' agreement settling the matter. The signed copy of the agreement constitutes IBU's withdrawal of the Dezihan grievance. That 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 Burt Dezihan and docketed as MEC Case No. 29-03, be dismissed.

DATED this 22nd day of May 2003.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

SETTLEMENT AGREEMENT
MEC Case No. 29-03 (Dezihan Grievance)

IN FULL AND COMPLETE SETTLEMENT of MEC Case No. 29-03, the parties, Inlandboatmen's Union of the Pacific (IBU), grievant Burt Dezihan, and Washington State Ferries (WSF) do agree as follows:

WSF Agrees:

1. To accept the return to work in his former classification, of Burt Dezihan, subject to the terms and conditions of this Agreement.

Burt Dezihan Agrees:

1. To return to work at WSF in his former classification, subject to the terms and conditions of this agreement.
2. To refrain from any threats or acts of violence directed at fellow employees or at WSF customers. It is expressly understood and agreed that any incidents or threats or acts of violence within one year from the date of this agreement shall be grounds for immediate termination of employment.
3. That he has read this agreement in consultation with his union representative, and understands and agrees to its terms.
4. That by entering into this agreement Burt Dezihan, his heirs, assigns or other successors in interest releases the State of Washington, the Department of Transportation, Washington State Ferries, its officers, agents, employees, and agencies from all claims, causes of action, suits, civil or otherwise, known or unknown, based upon actions taken in their official capacities that arise out of or relate to the matters at issue in MEC Case No. 29-03.

The IBU Agrees:

1. To the return to work of Burt Dezihan in his previous classification.
2. That any incidents of threats or acts of violence toward co-workers or WSF customers by Burt Dezihan, occurring within one year from the date of this agreement, shall constitute grounds for immediate termination of employment. At any grievance proceedings based upon action under this paragraph, the sole issue for determination shall be whether an act or threat of violence by Burt Dezihan occurred. If so, the IBU agrees that termination is the appropriate level of discipline.
3. To the withdrawal of MEC Case No. 29-03. A copy of this agreement shall constitute a request for withdrawal, and may be presented by any party.

Dated this 19th day of May, 2003.

/s/ Dennis Conklin, Business Agent
For the IBU

/s/ David J. Slown, WSBA No. 24943
Assistant Attorney General
For WSF