

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC on behalf of
DAVID MCKENZIE et al.,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 37-02

DECISION NO. 319 - 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 Claudia Riggins-Kolesar.

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 April 10, 2002, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of Claudia Riggins-Kolesar. In its grievance arbitration request, IBU asserted that WSF failed to pay Claudia Riggins-Kolesar for wages earned. IBU also maintained that the matter was a "deemed to be granted" grievance under the IBU/WSF contract.

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. 37-02. Commissioner John Byrne was assigned to act as Mediator at a settlement conference scheduled for May 31, 2002. Commissioner John Sullivan was designated to act as Arbitrator at the hearing on June 14, 2002. At IBU's request, the settlement conference was later moved to May 28, 2002.

During the settlement conference on May 28, with Commissioner Byrne's assistance, the parties reached agreement. Commissioner Byrne forwarded the parties' signed settlement agreement (which constitutes withdrawal of the grievance) to the MEC office. 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 Claudia Riggins-Kolesar and docketed as MEC Case No. 37-02, be dismissed.

DATED this 10th day of June 2002.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

Settlement Agreement
MEC Case No. 37-02

In light of the specific circumstances of this case and as a non-precedential matter, WSF agrees that the grievant (Ms. Riggins-Kolesar) is entitled to the AB rate pursuant to contract Rule 7.08 effective the 2nd payment of May 2002.

This settles the case and ends the grievance.

May 28, 2002
/s/ David J. Slown
WSF

May 28, 2002
/s/ Dennis Conklin
IBU