

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION  
OF THE PACIFIC on behalf of  
ROMAINE JACKSON,

Grievant,

v.

WASHINGTON STATE FERRIES,  
  
Respondent.

MEC CASE NO. 37-05

DECISION NO. 518-A - MEC

ORDER ON MOTION  
FOR CLARIFICATION

TO: ROBERT LAVITT, Counsel for IBU  
AND TO: AAG DAVID SLOWN, Counsel for WSF

On June 25, 2007, the Inlandboatmen's Union of the Pacific moved for clarification of the arbitrator's award in the above-referenced matter. On June 28, the Washington State Ferries submitted its response, and on July 16, the Inlandboatmen's Union submitted its reply.

The union's motion poses the following two questions:

May Mr. Jackson use his seniority accrued in his former position to "bump" into a Traffic Attendant position?

If no full-time Traffic Attendant position is immediately available, may Mr. Jackson serve in an on-call position?

These questions raise an important distinction that merits clarification. The collective bargaining agreement at Appendix B, rule 1.05 sets forth the rules for filling of year around positions and envisions a process by which employees move into those positions in accordance with already-accrued seniority. The process allows for system-wide lateral transfers by seniority, then requests for promotion within the Terminal Department by seniority, then inter-department transfers by seniority and finally "[a]ssign the most senior part-time/on-call employee within the

Terminal Department to the year around position . . .” Thus, while it is possible, applying for a year around Traffic Attendant position “off the street” does not appear to be the primary mechanism the parties had in mind.

This raises the question of to what extent may Mr. Jackson use his formerly accrued seniority to request a year around Traffic Attendant position. As to the formerly accrued seniority, the arbitrator upheld the termination and, consistent with section 19.10 of the collective bargaining agreement, Mr. Jackson’s seniority terminated as the result of his discharge for cause. As a result, Mr. Jackson may not use his previously accrued seniority to move into a Traffic Attendant position. The next question, then, is whether Mr. Jackson may apply for and work as an on-call employee in the terminal department and thereby accrue the seniority necessary to successfully request a year around position.

The WSF asserts that on-call work requires the employee to be available for Ticket Seller as well as Traffic Attendant jobs, arguing that this renders Mr. Jackson ineligible. This being the case, paragraph 2 of the arbitrator’s decision, without some modification, would not be meaningful; Mr. Jackson would be, as a practical matter, unable to bid into an open year around position and not eligible to work in an on-call position in order to accrue the seniority necessary to gain a year around position. This is not the result the arbitrator intended. Thus, Mr. Jackson may apply for, and should be considered eligible for, a position as an on-call employee and the

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WSF will be required to permit Mr. Jackson to work in an on-call capacity limited to Traffic Attendant assignments.

DATED this 1st day of August 2007.

MARINE EMPLOYEES' COMMISSION

/s/ ELIZABETH FORD, Arbitrator

Approved by:

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner