

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC on behalf of
HAROLD FOSTER,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 4-02

DECISION NO. 296 - MEC

ORDER OF DISMISSAL

Dennis Conklin, Business Agent, appearing for and on behalf of the Inlandboatmen's Union of the Pacific and Harold Foster.

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 28, 2001, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of Harold Foster. In its grievance arbitration request, IBU alleged that Washington State Ferries (WSF) failed to answer in a timely manner; and implemented a new procedure by pro-rating vacation and sick leave for part-time, on-call employees.

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. 4-02, scheduled a settlement conference for December 3, 2001, and a hearing for December 17, 2001. Commissioner John Nelson was designated to act as Arbitrator.

IBU and WSF made some progress toward settlement when they met with Commissioner Sullivan on December 3. The parties finalized their agreement resolving the issue (with

Commissioner Sullivan's assistance) prior to convening the hearing on December 17. On December 18, 2001, MEC received the signed settlement agreement, which constitutes IBU's request for withdrawal of 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 IBU on behalf of Harold Foster and docketed as MEC Case No. 4-02, be dismissed.

DATED this 26th day of December 2001.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

SETTLEMENT AGREEMENT
Between
WASHINGTON STATE FERRIES
And
THE INLANDBOATMEN'S UNION OF THE PACIFIC

The parties, Washington State Ferries (WSF) and the Inlandboatmen's Union of the Pacific (IBU), in full and complete settlement of the grievance of Harold Foster, MEC Case 4-02, do hereby agree as follows:

WSF Agrees:

1. To review the personnel set-up status of all on-call employees to ensure that the correct "n" flag is set, with the result that the automated payroll system looks at hours worked during the pay period in computing the pro-rata amount of annual and sick leave.
2. To perform a manual up-date of sick leave and annual leave accrual of all on-call employees. Said update will commence on or about January 1, 2002, and will be completed within three months. Thereafter, WSF will perform such a manual update annually, starting on October 1 of each year, commencing with October 1, 2002.

The IBU Agrees:

To withdraw MEC Case 4-02. A signed copy of this agreement shall constitute a request for withdrawal.

The Parties Mutually Agree:

That individual on-call employees may request manual updates of sick leave and annual leave balances for the interim periods between annual updates, for good cause.

/s/ Dennis Conklin 12/16/01
For the IBU

/s/ David J. Slown, 12/16/07
For WSF AAG WSBA #24943

/s/ Harold Foster
Grievant