

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC on behalf of
ROBERT JOHNSON,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 4-03

DECISION NO. 334 - MEC

ORDER DISMISSING
ADJUSTED GRIEVANCE

Schwerin, Campbell and Barnard, Attorneys, by *Dmitri Iglitzin*, appearing for and on behalf of the Inlandboatmen's Union of the Pacific and Robert Johnson.

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 July 10, 2002, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of Robert Johnson. In its grievance arbitration request, IBU asserted that WSF failed to "bid out" a shift that was open for more than thirty days, in violation of the Collective Bargaining Agreement, Appendix A, Rule 1.05-B. In addition, IBU maintained the dispute was "deemed to be granted."

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. 4-03. Commissioner John Sullivan was assigned to act as Mediator at a settlement conference scheduled for September 6, 2002. Commissioner John Byrne was designated to act as Arbitrator at the hearing on October 7, 2002.

During the settlement conference on September 6, 2002, with Commissioner Sullivan's assistance, the parties reached agreement. Commissioner Sullivan forwarded the 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 Robert Johnson and docketed as MEC Case No. 4-03, be dismissed.

DATED this 24th day of September 2002.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

Settlement Agreement
MEC Case No. 4-03

IN FULL AND COMPLETE SETTLEMENT of MEC Case No. 4-03, the Inland Boatmen's Union and Washington State Ferries agree as follows:

1. Robert P. Johnson shall receive the difference between AB pay and OS pay for any time worked as an OS during the period 11/4/01 thru 12/03/01, inclusive.

2. WSF and the IBU agree that extended temporary positions will not be put out for bid if the results of the extended temporary bid are not posted before the start of a permanent bid process. Extended temporary positions will be bid on the first Monday after the start of the new permanent scheduled. WSF agrees to notify employees of the dates extended temporary bidding will be suspended and resumed for each permanent bid period.

3. The IBU agrees to withdraw MEC Case No. 4-03. A signed copy of this agreement shall constitute a request for withdrawal.

/s/ Dennis Conklin
For the IBU

9/6/02

/s/ Michael Manning
For the WSF

9/6/02