

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

ED CASPERS,)	MEC Case No. 4-98
)	
)	
Grievant,)	Decision No. 199 - MEC
)	
v.)	
)	
WASHINGTON STATE FERRIES,)	ORDER OF DISMISSAL
)	
Respondent.)	
_____)	

Ed Caspers, on behalf of himself.

Christine Gregoire, Attorney General, by David Slown, Assistant Attorney General, appearing for and on behalf of the Washington State Ferries.

This matter came on regularly before the Marine Employees' Commission on March 20, 1998, when Ed Caspers, a licensed engineer officer employed by the Washington State Ferries, filed a request for grievance arbitration with the MC. In his request, Mr. Caspers asserted that the Washington State Ferries (WSF) withheld penalty pay for hours he worked below deck plates on September 13 and September 17, 1996, in violation of Section 8 of the WSF/Dist. No. 1 MEBA Licensed Engineer agreement. Mr. Caspers alleged that on April 4, 1997, he and two union representatives, MEBA Branch Agent Bud Jacque and Shop Steward Jim Herdeck, met with WSF Human Resources Director Jim Yearby to discuss this matter. Caspers asserted further that at the April 4, 1997 meeting, Jim Yearby agreed to pay him the money due. However, Mr. Caspers never received the penalty pay. At a subsequent meeting on December 3, 1997, attended by Mr. Caspers, Mr. Herdeck, Acting WSF Director of Human Resources, Gary Baldwin, and WSF Port Engineer Mark Nitchman, Gary Baldwin indicated that he would contact Jim Yearby about the grievance. Thereafter, Caspers did not receive the penalty

Pay for which he had submitted a claim covering the aforementioned dates, and he filed the instant grievance arbitration request.

A hearing notice was issued in this matter on May 1, 1998. On May 14, 1998, the parties met and an agreement was reached as to the disposition of the matters asserted by Mr. Caspers in his grievance arbitration request. A copy of the written agreement, signed and dated by the parties, is attached hereto. Item B(1) of the agreement notes that by his signature, Mr. Caspers has requested withdrawal of the MEC Case No. 4-98.

ORDER

Based upon the settlement agreement executed between the parties in MEC Case No. 4-98, it is hereby ordered that the request for grievance arbitration, filed by Ed Caspers against WSF and docketed as MEC Case No. 4-98, is dismissed.

DATED this 18th day of June 1998.

MARINE EMPLOYEES' COMMISSION

/s/ HENRY L. CHILES, JR., Chairman

/s/ JOHN P. SULLIVAN, Commissioner

SETTLEMENT AGREEMENT
ED CASPERS v. WASHINGTON STATE FERRIES
MEC CASE No. 4-98

The parties in this case, Ed Caspers, Washington State Ferries, and the Marine Engineers Beneficial Association, District One, desiring to settle this grievance, MEC Case no. 4-98, hereby enter into this agreement under the following terms and conditions:

A. WASHINGTON STATE FERRIES AGREES:

1. To pay to Ed Caspers a sum equal to ten hours' penalty pay, less applicable deductions, for work performed on September 13 and 17, 1996.
2. To forward a copy of this agreement to the Marine Employees' Commission after it is signed by all parties.

B. ED CASPER AGREES:

1. To withdrawal of this grievance, MEC case 4-98. A signed copy of this agreement shall constitute a request for withdrawal.
2. That by entered into this agreement, Mr. Caspers, his heirs, assigns or other successors in interest release Washington State Ferries, its officers, agents and employees from all claims and causes of action, arising out of relating to the subject matter of the grievance in this case, MEC case 4-98.

C. THE MARINE ENGINEERS BENEFICIAL ASSOCIATION, DISTRICT ONE, AGREES:

1. That this agreement shall not be in any way construed as setting precedent for future claims or grievances.
2. That WSF management has the right to promulgate policies concerning the types of work which should normally be performed by licensed and unlicensed MEBA personnel.
3. That bilge cleaning is a type of work normally performed in the WSF system by unlicensed MEBA personnel.

This Settlement Agreement shall become effective on the date of the final signature of the parties and/or their authorized representatives and constitutes the full agreement of the parties.

/s/ Ed Caspers 6/10/98
Grievant

/s/ Gary Baldwin 5/22/98
Acting H.R. Director
Washington State Ferries

/s/ Louis Bud Jacque 5/31/98
MEBA, District One

/s/ David J. Slown 5/22/98
Attorney for Washington State Ferries