

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION  
OF THE PACIFIC on behalf of  
ROBERT KANE, RAY CRAWFORD JR.  
and DAVID HOTOVITSKY,

Grievants,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 42-04

DECISION NO. 407 - MEC

ORDER CLOSING  
SETTLED GRIEVANCE

*Jay Ubelhart*, Business Agent, appearing for the Inlandboatmen's Union of the Pacific and Robert Kane, Ray Crawford, Jr. and David Hotovitsky.

Christine Gregoire, Attorney General, by *David Slown*, Assistant Attorney General, appearing for Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on February 26, 2004, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of Robert Kane, Ray Crawford, Jr. and David Hotovitsky. IBU alleged that due to a schedule change, the grievants lost a day of work and WSF denied them guaranteed full-time (80 hours) pay, in violation of the collective bargaining agreement.

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. 42-04. Chairman John Swanson was assigned to act as Mediator at a settlement conference scheduled for April 8, 2004.

Commissioner John Byrne was designated to act as Arbitrator at the hearing scheduled for June 11, 2004.

The parties reached a tentative agreement during the April 8 settlement conference, pending discussion with the grievants. During MEC's April 23 public meeting, IBU Business Agent Jay Ubelhart provided the Commission with the parties' signed settlement agreement, which constitutes IBU's request for withdrawal of the grievance. The signed 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 Kane, Ray Crawford, Jr. and David Hotovitsky and docketed as MEC Case No. 42-04, is closed in acknowledgement of the parties' settlement agreement.

DATED this \_\_\_\_ day of May 2004.

MARINE EMPLOYEES' COMMISSION

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JOHN SWANSON, Chairman

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JOHN SULLIVAN, Commissioner

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JOHN BYRNE, Commissioner

**SETTLEMENT AGREEMENT**  
**MEC Case No. 42-04 (Kane, Crawford, Hotovitsky Grievance)**

IN FULL AND COMPLETE SETTLEMENT of MEC Case No. 42-04, the parties, Washington State Ferries (WSF), and The Inlandboatmen's Union of the Pacific, (IBU), do hereby agree as follows:

**THE PARTIES MUTUALLY AGREE:**

That WSF may publish, through Fleet Advisory or other means, to all Unlicensed Desk Department Employees, the following statement:

“At times of schedule change, Unlicensed Deck Employees sometimes bid watches which have different days off than their old schedules. This, and the overlap between the two-week work cycle and the bi-monthly pay schedule sometimes result in pay periods with less than eighty (80) hours. If employees who are guaranteed eighty (80) hours have eight hours of work in the two-week work cycles before and after the schedule change, the employees are not entitled to additional pay. The Inlandboatmen's Union and the Washington State Ferries have agreed to this statement.”

**WASHINGTON STATE FERRIES AGREES:**

To pay eight (8) hours each of straight-time pay to David Hotovitsky, Robert Kane, and Raymond Crawford, Jr.

**THE INLANDBOATMEN'S UNION OF THE PACIFIC AGREES:**

To the withdrawal of MEC Case No. 42-04. A signed copy of this agreement shall constitute a request for withdrawal, and may be presented by either party.

Dated this 8<sup>th</sup> day of April, 2004.

For the IBU:               /s/ Jay Ubelhart

For WSF:                 /s/ Michael Manning.