

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC on behalf of
JOHN ROSS,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 45-04
(Schedule Issue)

DECISION NO. 413 - MEC

ORDER CLOSING
SETTLED GRIEVANCE

Jay Ubelhart, Business Agent, appearing for the Inlandboatmen's Union of the Pacific.

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 John Ross. In its grievance arbitration request, IBU alleged that Washington State Ferries (WSF) failed to bid jobs pursuant to the IBU/WSF 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. 45-04.

Commissioner John Byrne was assigned to act as Mediator at a settlement conference scheduled

for May 13, 2004. Commissioner John Sullivan was designated to act as Arbitrator for the hearing scheduled on June 8, 2004.

On May 11, 2004, WSF Counsel David Slown advised the MEC that WSF personnel needed to settle this case were unavailable on May 13, due to an employee recognition function. He requested that the May 13 settlement conference be continued to the following week. The MEC continued the settlement conference to May 20, 2004.

During the May 20 conference, the parties reached an agreement on the “schedule issue” portion of this grievance. A copy of that agreement (received May 21, 2004) is appended to and becomes a part of this Order by reference.

ORDER

It is hereby ordered that the “schedule issue” portion of the request for grievance arbitration, filed by the Inlandboatmen’s Union of the Pacific and docketed as MEC Case No. 45-04, be closed in acknowledgement of the parties’ settlement agreement.

DATED this 9th day of June 2004.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

Settlement (MEC 45-04)

1. The schedule issue of this case is settled by the agreement that the IBU may select (by June 15, 2004) alternative A or alternative B and WSF will implement the selected alternative for 2005.
2. The Ross wage claim (the difference between AB and OS [except for hour for which AB was paid] for 9/21/2003-10/11/02003) is not settled. The IBU will decide no later than June 1 to move this matter to a separate arbitration currently scheduled for June 8. (Either party may request a continuance.)

Dated: 5/20/04
/s/ Tim Saffle
WSF

Dated: 5/20/04
/s/ Jay Ubelhart
IBU

Alternative A “Make-up Crew”

This agreement applies to Port Townsend spring shoulder and Fall shoulder periods along with the summer schedule.

When the spring shoulder schedule is more than 30 days, it will be bid as a unit along with the summer and fall segments. The employees winning the bid will be entitled to bid in the regular fall bidding but they will move at the end of the Port Townsend fall shoulder schedule. In addition, when the initiation of the spring shoulder schedule does not coincide with the beginning of a work cycle, the successful bidder will begin at the beginning of the next full work cycle. (The spring schedule positions vacated by the successful bidders will be filled in accordance with Contract App. A Rule 1.05. The Summer positions vacated by the successful bidders will be filled as part of the regular summer bids.)

Alternative B “Make-up Crew”

This agreement applies to Port Townsend spring shoulder and fall shoulder periods. These periods will be assigned in accordance with the contract (Appendix A, 1.05 B & C) separate from the summer schedule which will be bid as one of the summer schedules available for bid. This agreement alters Rule 1.05 (D) of Appendix A.