

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION  
OF THE PACIFIC on behalf of  
BURT DEZIHAN,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 46-02

DECISION NO. 320 - MEC

ORDER OF DISMISSAL

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

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 May 3, 2002, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of Burt Dezihan. In its grievance arbitration request, IBU asserted that WSF unjustly terminated Grievant Dezihan. IBU requested that no settlement conference be scheduled and that the hearing be expedited.

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. 46-02. Commissioner John Sullivan was designated to act as Arbitrator at the hearing scheduled for June 10, 2002.

During MEC's May 23<sup>rd</sup> monthly meeting, IBU and WSF agreed with Commissioner Byrne's suggestion to add discussion of the Dezihan matter to the settlement conference scheduled in two other cases on May 28, 2002.

During the settlement conference on May 28, with Commissioner Byrne's assistance, the parties reached an agreement. Commissioner Byrne forwarded the parties' signed Interim Settlement Agreement (which includes 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 Burt Dezihan and docketed as MEC Case No. 46-02, be dismissed.

DATED this 10th day of June 2002.

MARINE EMPLOYEES' COMMISSION

JOHN NELSON, Chairman

JOHN SULLIVAN, Commissioner

JOHN BYRNE, Commissioner

**INTERIM SETTLEMENT**  
**MEC Case No. 46-02**

1. Request for arbitration withdrawn as premature.
2. Administrative leave continued pending the doctor's report and a further meeting regarding action by WSF.
3. Pay (including back pay) restored pending final action by WSF.
4. This interim agreement does not limit WSF's right to take appropriate action under the law and contract once it has reviewed the doctor's report nor does it limit the union's right to respond as provided by law and the contract.

May 28, 2002  
/s/ David J. Slown  
WSF

May 28, 2002  
/s/ Dennis Conklin  
IBU