

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

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

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 46-03

DECISION NO. 374 - MEC

ORDER DISMISSING
ADJUSTED GRIEVANCE

Dennis Conklin, Business Agent, appearing for the Inlandboatmen's Union of the Pacific and John Pelland.

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 May 23, 2003, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of John Pelland. IBU alleged that WSF denied John Pelland travel time and mileage for October 23 and November 8, 2002, when he worked as an on-call on the Kingston "D" Watch.

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. 46-03.

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

for August 1, 2003. Commissioner John Sullivan was designated to act as Arbitrator at the hearing scheduled for October 15, 2003.

The parties reached agreement during the August 1 settlement conference. Commissioner Byrne forwarded the parties' signed settlement agreement to the MEC office (received August 4). The agreement 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 John Pelland and docketed as MEC Case No. 46-03, be dismissed.

DATED this 27th day of August 2003.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

MEC 46-03
Settlement and Withdrawal

The parties agree that Rule 10A.02 applies only in circumstances where a part-time or on-call employee is given a temporary assignment to a crew that travels and that assignment involves work at more than one location on consecutive work days. (Once 10A.02 applies, 10A.09 determines how the employee is paid.)

(This agreement does not alter or affect how employees required to travel within a work shift are compensated.)

Because the grievant in MEC Case 46-03 (IBU grievance 02-121) was assigned to 2 separate, non-consecutive shifts at a single location, Rule 10A.02 does not apply. This grievance is withdrawn.

This agreement applies prospectively and it also applies to grievances already submitted to the employer.

Dated: 8/1/03

/s/ Dennis Conklin
IBU

/s/ David J. Slown
WSF