

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

OFFICE AND PROFESSIONAL
EMPLOYEES INTERNATIONAL
UNION, LOCAL 8,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 5-04

DECISION NO. 383 - MEC

ORDER OF MEDIATION
RESULTS, SETTLEMENT
AND DISMISSAL

Shannon Halme, Union Representative, appearing for Office and Professional Employees International Union, Local 8.

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 August 4, 2003, when the Office and Professional Employees International Union, Local 8 (OPEIU) filed a request for grievance mediation concerning WSF's alleged failure to post a vacated Buyer III position, pursuant to Article 6.1(a) of the parties' contract. The request was made pursuant to Step IV, Article 15 of the 1999-2001 WSF/OPEIU Local 8 Collective Bargaining Agreement.

The request for grievance mediation was docketed as MEC Case No. 5-04. Commissioner John Sullivan was assigned to act as Mediator at a settlement conference scheduled for October 6, 2003.

The parties reached agreement during the October 6 settlement conference. Commissioner Sullivan forwarded the parties' signed settlement agreement to the MEC office

(received October 7). That agreement constitutes OPEIU'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 mediation, filed by the Office and Professional Employees International Union, Local 8 and docketed as MEC Case No. 5-04, is dismissed in acknowledgment of the parties' settlement.

DATED this 23rd day of October 2003.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

SETTLEMENT AGREEMENT
MEC Case No. 5-04

IN FULL AND COMPLETE SETTLEMENT of MEC Case No. 5-04, the parties, Washington State Ferries (WSF) and Office and Professional Employees International Union, Local 8 (OPEIU), do hereby agree as follows:

WSF AGREES:

1. To abide by the process set forth below, with respect to all OPEIU-represented positions
2. That this agreement shall not alter or amend the terms of the parties' collective bargaining agreement (CBA).

OPEIU AGREES:

1. That this agreement shall not alter or amend the parties' CBA
2. To withdraw MEC Case No. 5-04.

A signed copy of this agreement shall constitute a request for withdrawal and may be presented by any party.

THE PARTIES MUTUALLY AGREE:

1. Whenever any OPEIU-represented employee leaves a position on a permanent basis, through retirement, transfer, resignation, or other means, the cognizant manager shall promptly assess whether the position can be posted as a vacancy. If the manager determines that the decision as to whether to post the position is not reasonably expected within 30 days, WSF shall notify OPEIU in writing of that fact, and of the general nature of the factors being weighed in the decision as to whether to fill the position. Said notice shall be made to the union as soon as possible, but in no event later than thirty days after the incumbent vacates the position.
2. When sending the notice described in the preceding paragraph, the manager shall request, in writing, to meet with the union to discuss the matter. The meeting shall take place within a reasonable time after notification, normally two weeks.

/s/ Shannon Halme
For OPEIU

10/6/03

/s/ David J. Slown
For WSF AAG WSBA #24943

10/6/03