

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 55-04

DECISION NO. 414 - 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 March 11, 2004, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration. In its grievance arbitration request, IBU alleged that Washington State Ferries (WSF) failed to pay OS seamen the AB rate of pay when they were guaranteed the AB rate pursuant to Rule 7.07 and 7.08 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. 55-04.

Commissioner John Byrne was assigned to act as Mediator at a settlement conference scheduled for May 20, 2004. Commissioner John Swanson was designated to act as Arbitrator, but no hearing date was scheduled prior to the settlement conference.

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During the May 20 conference, the parties reached an agreement. 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 request for grievance arbitration, filed by the Inlandboatmen's Union of the Pacific and docketed as MEC Case No. 55-04, be closed in acknowledgement of the parties' settlement agreement.

DATED this 3rd day of June 2004.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

SETTLEMENT AGREEMENT
55-04

The parties agree to settle this case as follows:

1. The AB rate will be paid for all work done by the workers qualified under the specific language of Rule 7.07.
2. This agreement does not apply one way or the other to persons who receive AB guarantee pay under the respirator case agreement.
3. The IBU will assist the WSF to determine the back pay (back to 7/8/03) due under this settlement.

5/20/04
/s/ Jay Ubelhart
IBU

5/20/04
/s/ Tim Saffle
WSF