

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC on behalf of
MICHAEL HERKO,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 58-04

DECISION NO. 451 - MEC

ORDER CLOSING
SETTLED GRIEVANCE

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

Rob McKenna, 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 30, 2004, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of Michael Herko. IBU alleged that WSF violated the IBU/WSF collective bargaining agreement when it refused to pay Michael Herko per diem after he was required to attend a WSF training class.

The request for grievance arbitration was docketed as MEC Case No. 58-04. Chairman John Swanson was assigned to serve as Mediator at the settlement conference scheduled for July 30, 2004. The parties were unable to reach an agreement during the conference. The IBU wanted time to review the matter further.

On August 20, 2004, the IBU contacted the MEC to request a hearing. The hearing was scheduled for February 10, 2005, but cancelled on January 11, 2005, due to the MEC's budget shortfall. The MEC intended to reschedule after July 1, 2005.

During MEC's June 24, 2005 public meeting, the IBU requested an additional settlement conference be scheduled. The MEC scheduled a settlement conference for June 30, 2005. With Chairman Swanson's assistance, the parties reached agreement on that date. Chairman Swanson forwarded the parties' signed settlement agreement to the MEC office (received July 8). By letter on July 8, 2005, the IBU withdrew 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 Michael Herko and docketed as MEC Case No. 58-04, is closed in acknowledgment of the parties' settlement agreement.

DATED this 29th day of July 2005.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner

SETTLEMENT AGREEMENT

In full and complete settlement of MEC Case No. 58-04, WSF agrees to pay to Michael Herko, \$228.00.

By agreeing to this payment, WSF does not in any way waive or modify its position that hotel and/or per diem allowances may only be paid to IBU members when approved in advance by management, as reflected in the letter of Mike Manning to Dennis Conklin dated 6/7/04, copy attached.

By agreeing to this settlement, the IBU is not agreeing with the position of WSF as stated above. However, the union does understand that WSF has taken this position.

/s/ Michael Manning
for WSF

/s/ Jay Ubelhart 6/30/05
for IBU

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7000 1670 0005 6222 2918

June 7, 2004

Dennis Conklin
Regional Director
Inlandboatmen's Union
1711 W. Nickerson St., Suite #D
Seattle, WA 98119

Dear Dennis:

The issue of employees' requests for reimbursement for travel expenses related to required job-related training continues to present a problem.

As we have previously discussed, the contract is silent on this matter and WSF has previously proposed that where the contract is silent, the matter defaults to WSDOT Travel Rules and Procedures., Chapter 10, Accounting Manual M13-82. Subsequently, employees' requests for such reimbursement will be denied.

I am enclosing an agreement that I hope you will agree to and sign. The policies and procedures in the aforementioned Chapter 10 are clear and unambiguous. Chapter 10 is attached.

I think that we can both agree that this issue needs to be addressed, as off-site training will be more than likely to increase and is beneficial to both the WSF and its employees.

If you have any questions or wish to discuss further, please contact me at (206) 515-3427 or Paul Elsey at (206) 515-3972.

Sincerely yours,

Michael Manning
Labor Relations Manager

mm/rh

Attachments

cc: Paul Elsey

M04-037

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