

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION  
OF THE PACIFIC,

Grievant,

v.

WASHINGTON STATE DEPARTMENT  
OF TRANSPORTATION, FERRIES  
DIVISION,

Respondent.

MEC CASE NO. 7-09

DECISION NO. 559 - MEC

ORDER CLOSING  
WITHDRAWN GRIEVANCE

Schwerin, Campbell, Barnard, Iglitzin and Lavitt, by *Robert Lavitt*, Attorney, appearing for the Inlandboatmen's Union of the Pacific (IBU).

Robert McKenna, Attorney General, by *Don Anderson*, Assistant Attorney General, appearing for Washington State Department of Transportation, Ferries Division (WSF).

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on December 29, 2008, when the Inlandboatmen's Union of the Pacific filed a request for grievance arbitration, docketed as MEC Case 7-09. The IBU's grievance alleged that WSF terminated Maribeliza Herrera without just cause following a positive drug test.

Initially, Commissioner Patricia Warren was assigned to act as Mediator at the settlement conference scheduled on March 19, 2009. Chairman John Swanson was designated to act as Arbitrator and a hearing scheduled for May 18, 2009.

The March 19 conference was cancelled when IBU Business Agent Jay Ubelhart was called away on urgent Union business. Later it was rescheduled for May 5; Chairman Swanson was reassigned as Mediator. Due to a schedule conflict for IBU Counsel, the May 18 hearing was

also cancelled. Commissioner John Cox was substituted as Arbitrator and the hearing continued to September 1, 2009.

The parties participated in a settlement conference on May 5, 2009. Later that day, the MEC received a letter from Jay Ubelhart, IBU, withdrawing the grievance.

### **ORDER**

It is hereby ordered that the request for grievance arbitration, filed by the IBU and docketed as MEC Case No. 7-09, is closed in acknowledgement of the IBU's withdrawal.

DATED this 26th day of May 2009.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ PATRICIA WARREN, Commissioner

/s/ JOHN COX, Commissioner

APR 24 2009  
MARINE ENGINEERS' COMMISSION  
OLYMPIA, WA

**LETTER OF UNDERSTANDING  
(Hood Canal Bridge Closure)  
BETWEEN  
WASHINGTON STATE DEPARTMENT OF TRANSPORTATION,  
FERRIES DIVISION  
AND  
MARINE ENGINEERS' BENEFICIAL ASSOCIATION**

It is hereby understood and agreed between the parties that this Letter of Understanding (LOU) is entered into between the Washington State Department of Transportation, Ferries Division (WSF), and the Marine Engineers' Beneficial Association (Union), and is intended to address Hood Canal Passenger Only Service. Therefore, the WSF and Union agree as follows:

1. Nothing in this LOU may be used in any proceeding to otherwise amend or modify the Collective Bargaining Agreement (CBA) between the parties, nor shall this LOU establish a precedent or practice. In addition, both WSF and the Union are reserving their positions in relation to the Hood Canal Passenger Only Service.
2. WSF has chartered two (2) 149 Passenger Only (PO) vessels to provide service between Lofall and Southpoint while the Hood Canal bridge is out of service for upgrades. This PO service is scheduled from May 1, 2009 to approximately June 13, 2009 (depending on completion date). Training is expected to begin on April 28, 2009.
3. The WSF and the Union have agreed to a manning level of one (1) Oiler for a twelve (12) hour watch per vessel. Each Oiler will work seven (7) consecutive twelve (12) hour nights followed by seven (7) consecutive nights off. In order for the continuity of operations during this time, a total of four (4) Oilers are required to provide this level of manning on the two (2) vessels. Watch hours shall be from 1850 hours to 0650 hours on the #1 vessel and from 1920 hours to 0720 hours on the #2 vessel.
4. The Oilers are primarily to provide shore side vessel maintenance when the vessel has completed its operational service day. There will be times in the Oilers watch schedule that would require several trips to be made aboard the vessel. The duties shall be those that are typically associated with traditional duties for the Oiler position including, but not limited to, maintaining the vessel, fueling the vessel and pumping the vessels' sewage ashore. Each chartered vessel is being provided with a Master, and the duties assigned to the Oiler will be communicated from the Charter Master through the WSF Master. However, it is understood and agreed that the Charter Master may or may not communicate to the WSF Master duties that are to be performed by an Oiler(s).

5. Hours of vessel operation:

Vessel #1 - Tie up in Southpoint and the vessel will be available to provide emergency medical evacuation off the west side should helicopters not be able to fly.

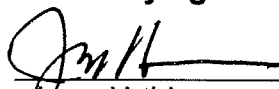
It shall have a deck crew 24 hours per day but will have a 19-hour operational schedule.

Vessel #2 - Tie up in Lofall and the vessel will have a deck crew 16 hours per day and have a 16-hour operational schedule.

Vessels may rotate tie-up positions daily to accommodate fueling at the Southpoint facility.

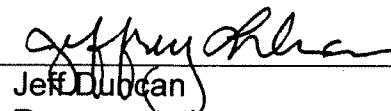
6. The parties understand that this PO service is temporary, and the aforesaid Oilers will return to their permanent vessels/watches when the PO service ceases operation. Additionally, facilities for employees are minimal at both Southpoint and Lofall and vessel shore power is not available at either location.
7. The watch relieving terminal for the subject positions shall be Lofall. In accordance with Rule 10A .05 there shall be no additional travel time and mileage for employees accepting a transfer to these temporary positions.
8. Disagreements regarding the interpretation or application of this LOU will be resolved under the grievance/arbitration procedures of the applicable Collective Bargaining Agreement.
9. This LOU may be amended at any time by the written mutual agreement of the parties.

Mutually agreed to this 24<sup>th</sup> day of April, 2009



Jerry Holder  
Labor Negotiator  
OFM Labor Relations Office

Date



Jeff Duncan  
Representative  
MEBA

Date

4/24/09



Paul A. Ganalon  
Labor Relations Manager  
WSDOT Ferries

Date