

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC on behalf of
LEE HEWITT,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 8-03

DECISION NO. 342 - MEC

ORDER DISMISSING
ADJUSTED GRIEVANCE

Dennis Conklin, Business Agent, appearing for and on behalf of the Inlandboatmen's Union of the Pacific and Lee Hewitt.

Christine Gregoire, Attorney General, by *David Slown*, Assistant Attorney General, appearing for and on behalf of Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on July 22, 2002, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of Lee Hewitt. In its grievance arbitration request, IBU asserted that Washington State Ferries (WSF) violated Rule 1.02 of the IBU/WSF Collective Bargaining Agreement when it penalized Lee Hewitt for those times she requested proper pay for working 15 minutes over her scheduled shift to complete the Selling Report.

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. 8-03. Commissioner John Sullivan was assigned to act as Mediator at a settlement conference scheduled for October 1, 2002. Chairman John Nelson was designated to act as Arbitrator at the hearing scheduled for November 19, 2002.

On September 12, 2002, at WSF's request, MEC continued the settlement conference to October 7, 2002. IBU did not appear on that date for the conference. The settlement conference was rescheduled for October 23, 2002.

The parties reached agreement during the October 23 settlement conference. Commissioner Sullivan forwarded the parties' signed settlement agreement to the MEC office (received October 24). 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 Lee Hewitt and docketed as MEC Case No. 8-03, be dismissed.

DATED this 6th day of November 2002.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

SETTLEMENT AGREEMENT
MEC Case No. 8-03 (Hewitt Grievance)

IN FULL AND COMPLETE SETTLEMENT of MEC Case No. 8-03, the parties, the Inlandboatmen's Union of the Pacific, (IBU), on behalf of grievant Lee Hewitt, and Washington State Ferries (WSF) do agree as follows:

WASHINGTON STATE FERRIES AGREES:

1. To pay Lee Hewitt one hour of pay at the overtime rate, reflecting her one-quarter of overtime worked on January 29, 2002;
2. To refrain from taking any disciplinary action or adverse administrative action against Lee Hewitt for her action on January 29, 2002.

THE INLANDBOATMEN'S UNION OF THE PACIFIC AGREES:

1. To withdraw MEC Case No. 8-03. A signed copy of this agreement shall constitute a request for withdrawal, and may be presented by either party.
2. The IBU acknowledges that WSF management has a right to require ticket sellers who cannot complete their closing report within the normally scheduled shift time to notify their supervisor of the need for overtime under Rule 2.02, Appendix B, prior to the end of the shift. The IBU acknowledges that Lee Hewitt has been so directed.

DATED this 23rd day of October, 2002.

For the IBU: /s/ Dennis Conklin

For WSF: /s/ Michael Manning