

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

OFFICE AND PROFESSIONAL
EMPLOYEES INTERNATIONAL
UNION, LOCAL 8 on behalf of
SHANNON ZIVKOVICH,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 8-07

DECISION NO. 522 - MEC

ORDER OF MEDIATION
RESULTS AND CLOSING
SETTLED GRIEVANCE

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

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 November 9, 2006, when the Office and Professional Employees International Union, Local 8 (OPEIU) filed a request for grievance mediation, docketed as MEC Case 8-07. OPEIU alleges that WSF violated the parties' collective bargaining agreement when it 1) scheduled Shannon Zivkovich to work beyond the provisions of Article 8.1, resulting in overlapping work weeks which denied her contractual right to work no more than five consecutive work days with consecutive days off, and 2) denied Ms. Zivkovich's premium pay requests for working on scheduled days off.

Chairman John Swanson was initially assigned to act as Mediator at a settlement conference scheduled for January 30, 2007. There were three OPEIU cases scheduled for settlement discussion that day; the parties did not have enough time to discuss Case 8-07. The

settlement conference was continued to April 10, but had to be cancelled when a health issue arose for OPEIU Representative Shannon Halme. The MEC continued the settlement conference to July 17. Commissioner John Sullivan was substituted as Mediator when a schedule conflict unexpectedly arose for Chairman Swanson.

The OPEIU and WSF reached agreement during the July 17, 2007 settlement conference. Commissioner Sullivan forwarded the parties' signed agreement to the MEC office (received on July 20). That agreement constitutes OPEIU's request for withdrawal of the grievance. It 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. 8-07, is closed in acknowledgment of the parties' agreement.

DATED this 2nd day of August 2007.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner

SETTLEMENT AGREEMENT

OPEIU hereby withdraws MEC Case No. 8-07 (Zivkovich grievance) with prejudice and without precedent. This withdrawal shall in no way limit the right of OPEIU to raise in the '09-'11 contract negotiations any and all terms and conditions of employment for dispatchers, including issues related to hours of work, alternate workweek and scheduling.

/s/ Shannon Halme
7/17/07

/s/ David J. Slown
7/17/07