

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC on behalf of
TIM SEYL,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 9-03

DECISION NO. 344 - MEC

ORDER DISMISSING
ADJUSTED GRIEVANCE

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

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 Tim Seyl. IBU asserted that the issue involved "maintenance and cure and the grievants filing a claim for damages in a civil suit—all due to an accident on June 9, 2001."

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. 9-03.

Commissioner John Byrne was assigned to act as Mediator at a settlement conference scheduled

for October 30, 2002. Commissioner John Sullivan was designated to act as Arbitrator at the hearing scheduled for November 22, 2002.

The parties reached agreement during the October 30 settlement conference. Commissioner Byrne forwarded the parties' signed settlement agreement to the MEC office (received November 1, 2002). The agreement constitutes IBU's request to withdraw 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 Tim Seyl and docketed as MEC Case No. 9-03, be dismissed.

DATED this 7th day of November 2002.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

Settlement Agreement
MEC Case 9-03
10/30/02

The parties agree as follows:

1. The employer has the right to terminate the wages extended pursuant to Rule 23.05 provided the decision is made in good faith in a non-arbitrary, non-retaliatory, non-discriminatory manner. The affected employee must be given written notice of the proposed cut-off, copy to the union, and employee or union must be given two weeks to respond in writing before the cut-off goes into effect.
2. This case is appropriate for compromise because of issues of notice. The compromise is not an admission of liability by any party.
3. WSF will pay unearned wages to the grievant minus maintenance paid, for the period from 9/16/01 – 11/2/01.
4. The request for arbitration is withdrawn so long as the terms of settlement are fulfilled.

/s/ Michael Manning 10/30/02
WSF

/s/ Dennis Conklin 10/30/02
IBU