

Arbitration Summary

UNION: Inlandboatmen's Union of the Pacific (IBU), Masters, Mates & Pilots (MM&P)

AGENCY: Department of Transportation, Ferries Division

GRIEVANT: Group Grievance

CBA: MM&P/IBU 2009-2011

ARBITRATOR: Timothy D.W. Williams

DATE FILED: November 18, 2009

HEARING DATE: January 26-27, 2010

DATE OF AWARD: February 19, 2010

ARTICLE(S) GRIEVED:

MOU Regarding the Effects of the Elimination of Touring Watches

IBU CBA:

Rule 14.03 – Grievance Procedure – Filing and Processing

MM&P CBA

Rule 22 – Grievance Procedure – Filing and Processing

ISSUE STATEMENT(S):

Are the Watches at Issue (Anacortes B & E and Mukilteo G) in violation of the Parties' MOU regarding the effects of the elimination of touring watches? If so, how should they be changed?

AWARD:

The arbitrator, Timothy D.W. Williams, fashioned a penalty point system by which to measure the negative health impacts of each schedule. In doing so he found that the (Anacortes B) watch was "reasonably consistent" with health and safety standards. The Anacortes E and Mukilteo G watches were found not to be "reasonably consistent" with health and safety standards and in Violation of the Parties' MOU. Guidance was provided to the parties as to how to bring the two Watches into compliance. The grievance is upheld in part and denied in part.