

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 33-00

DECISION NO. 315 - MEC

ORDER CLARIFYING
DECISION NO. 310 - MEC

Schwerin, Campbell and Barnard, attorneys, by *Dimitri Iglitzin* and *Judy Krebs* for and on behalf of the Complainant, Inlandboatmen's Union of the Pacific.

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

NATURE OF REQUEST

By letter dated March 25, 2002 the IBU requested clarification of the Order issued in MEC Case No. 33-00 (Leave without Pay). The issue asserted to require clarification, involves the time period over which identified employees could spread the buy-back as a deduction from wages.

WSF requested and was granted the opportunity to respond. WSF argues that the IBU request for clarification is really a Motion for Modification, which is procedurally barred. WSF asserts that accounting problems inherent in the process of conducting the buy-back on the basis of payroll deduction, would impose a significant administrative burden, which increases in proportion to the period of time such deductions are permitted. WSF further observes that identified employees have the option of buying back their leave by check.

IBU responds with an argument that the MEC, in Decision No. 310-MEC, must have contemplated a period of time for employees to buy back leave that is more than the 60 days set forth in paragraph 6 of the Order. Sixty (60) days, claims IBU, was only the time set forth for employees to arrange for such buy-back.

MEC has considered the position of the parties and concludes that clarification is warranted. In considering the equities of the situation, including the basis for the remedial order; the fact that employees have already been paid for time off, which they now want to convert to LWOP; the option available to employees to buy back leave amounts in a lump sum payable by check; and the willingness of WSF to extend payroll deductions in other situations, MEC hereby issues the following Order in Clarification.

ORDER

WSF shall permit any employee already identified in MEC Case No. 33-00, Decision No. 310-MEC, pursuant to paragraph 5, to pay the entire buy-back amount by check. Any such employee shall have the option of repaying the amount by payroll deduction, such deductions to be completed within six months of the date the employee notifies WSF, in writing, of the option selected. All notifications to WSF must be made within 30 days of this Order.

Dated this _____ day of April 2002.

MARINE EMPLOYEES' COMMISSION

JOHN NELSON, Hearing Examiner

JOHN SULLIVAN, Commissioner

JOHN BYRNE, Commissioner