

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC on behalf of
SALLY THOMAS,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 11-04

DECISION NO. 397 - MEC

ORDER CLOSING
SETTLED GRIEVANCE

Jeff Engels, Regional Director, appearing for the Inlandboatmen's Union of the Pacific and Sally Thomas.

Christine Gregoire, 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 August 15, 2003, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of Sally Thomas. IBU alleged that WSF failed to accommodate grievant, and failed to pay grievant maintenance and cure. Ms. Thomas was dispatched to work on the Puyallup on July 23 and 24, 2002 and became ill while on the vessel, allegedly due to stress from working with Capt. Zuvela. She was relieved and sent home. IBU maintained that Ms. Thomas file contained updated medical letters and an accommodation request to not be assigned work with Capt. Zuvela.

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. 11-04. Commissioner John Sullivan was assigned to act as Mediator at a settlement conference scheduled for September 12, 2003. Commissioner John Byrne was designated to act as Arbitrator at the hearing scheduled for November 24, 2003.

The parties did not reach agreement during the September 12 settlement conference; however, on November 14, 2003, IBU advised the MEC that a tentative agreement had been reached. The November 24 hearing was cancelled in anticipation of a settlement.

On December 17, 2003, WSF provided the MEC with the parties' signed settlement agreement, which 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 Sally Thomas and docketed as MEC Case No. 11-04, is closed in acknowledgement of the parties' settlement agreement.

DATED this ____ day of January 2004.

MARINE EMPLOYEES' COMMISSION

JOHN SWANSON, Chairman

JOHN SULLIVAN, Commissioner

JOHN BYRNE, Commissioner

SETTLEMENT AGREEMENT

MEC Case No. 11-04

In full and complete settlement of MEC. Case No. 11-04, the Inlandboatmen's Union of the Pacific (IBU) and Washington State Ferries (WSF) do hereby agree as follows:

WSF Agrees:

To pay to Sally K. Thomas, two days wages at her usual and customary rate of pay. Said payment will be made in her paycheck with reasonable promptness, and in no event no later than one month from the date of signing of this agreement.

IBU Agrees:

To withdraw MEC Case No. 11-04. A signed copy of this agreement shall constitute a request for withdrawal, and may be presented by any party.

The Parties Mutually Agree:

That the payment made in this case is not an admission of wrongdoing by WSF or any of its agents or employees, nor is this agreement a waiver of any claim or legal contention regarding the meaning or interpretation of the parties' labor agreement, by either WSF or the IBU. The parties acknowledge that this settlement was reached based upon unique facts and circumstances of this case, and to avoid costly litigation with uncertain results. This Agreement shall be non-precedential, and shall not be quoted or cited by any party in any future proceeding.

/s/ David J. Slown, for WSF 12/16/03

/s/ Jeff Engels, for IBU 12/16/03