

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC on behalf of
MARK LANG,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 11-06

DECISION NO. 485 - MEC

ORDER CLOSING
SETTLED GRIEVANCE

Margaret Pelland, Business Agent, appearing for the Inlandboatmen's Union of the Pacific and Mark Lang.

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 October 26, 2005 when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of Mark Lang, docketed as MEC Case 11-06. IBU alleged that the Eagle Harbor Manager, Dan Kistler, removed Mark Lang from his position in the shoregang at Eagle Harbor on two occasions after Mr. Lang had an approved reasonable accommodation to continue working.

Commissioner Elizabeth Ford was assigned to act as Mediator at a settlement conference scheduled for March 27, 2006. Chairman John Swanson was designated to act as Arbitrator at the hearing scheduled for June 8, 2006. The March 27 settlement conference resulted in the parties' reaching an interim agreement, which included converting the June 8 hearing date to a second settlement conference.

Due to a schedule conflict, the June 8 conference was continued to June 16, 2006. The parties reached an agreement on that date. WSF provided the MEC office with a signed copy of the settlement agreement (received June 20). That agreement includes IBU's withdrawal of the grievance, upon payment to Mr. Lang. The signed agreement is appended to and becomes a part of this Order by reference.

By letter on September 20, 2006, Margaret Pelland, IBU, advised the MEC that the terms of the agreement have been fulfilled and withdrew the grievance.

ORDER

It is hereby ordered that the request for grievance arbitration, filed by the Inlandboatmen's Union of the Pacific on behalf of Mark Lang and docketed as MEC Case No. 11-06, is closed in acknowledgment of the parties' settlement agreement.

DATED this 29th day of September 2006.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner

MEC Case 11-06
Settlement Agreement

The parties agree to settle the above-referenced grievance as follows:

1. The WSF will pay Mr. Lang \$7,000 by July 10, 2006.
2. The WSF will credit Mr. Lang's leave account with 48 hours of annual leave time.
3. The IBU agrees to and upon payment withdraws the above-referenced MEC Case.
4. Mr. Lang agrees that this settlement resolves all issues raised by this grievance and assumes responsibility for any tax consequences of this payment.
5. This settlement is made on a non-precedent setting basis.
6. The MEC retains jurisdiction over compliance with this agreement.

Dated June 16, 2006

/s/ Margaret Pelland
IBU

/s/ [illegible]
WSF

/s/ Mark Lang