

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION  
OF THE PACIFIC on behalf of  
LINDA PERRY,

Grievant,

v.

WASHINGTON STATE FERRIES,  
  
Respondent.

MEC CASE NO. 12-07

DECISION NO. 532 - MEC

ORDER CLOSING  
SETTLED GRIEVANCE

Schwerin, Campbell, Barnard and Iglitzin, by *Robert Lavitt*, Attorney, appearing for the Inlandboatmen's Union of the Pacific.

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 December 26, 2006, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration, docketed as MEC Case No. 12-07. The IBU's grievance alleged that on or about October 15, 2006, the Washington State Ferries (WSF) demoted Linda Perry from the quartermaster position on the Fauntleroy/Vashon C-watch, and replaced her with a less senior able bodied seaman.

Chairman John Swanson was assigned to act as Mediator for the settlement conference scheduled on March 5, 2007. Commissioner John Sullivan was designated to act as Arbitrator and a hearing scheduled for April 12, 2007.

During the March 5, 2007 settlement conference, the parties noted that this case was tied to MEC Case 23-06 and the decision in that matter might resolve Case 12-07. The April 12 hearing was cancelled when IBU discovered that its key witness was out of the country. The

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Decision in Case 23-06 issued on April 27. Shortly thereafter, the parties informed the MEC that the Perry grievance remained unresolved. The MEC rescheduled a hearing for October 3.

On October 2, 2007, the IBU and WSF notified the MEC that the matter was resolved. WSF provided the Commission with a copy of the parties' signed settlement agreement, which constitutes withdrawal of the grievance. That 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 IBU and docketed as MEC Case No. 12-07, is closed in acknowledgement of the parties' settlement agreement.

DATED this 26<sup>th</sup> day of October 2007.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner

**SETTLEMENT AGREEMENT**  
**MEC Case No. 12-07 (Perry Grievance)**

IN FULL AND COMPLETE SETTLEMENT of MEC Case No. 12-07, the parties, The Inlandboatmen's Union of the Pacific (IBU), and Washington State Ferries (WSF) do agree as follows:

**WASHINGTON STATE FERRIES AGREES:**

1. To pay to Linda Perry, additional wages, subject to normal payroll withholding, for the period from October 15, 2006 so the date of this agreement.
2. The amount of the additional wages paid shall be the difference between the AB rate of pay and the Quartermaster rate of pay (the premium), for each hour for which she was paid at the AB rate during the time period established above. The additional pay shall mirror the underlying rate of pay, so that, as an example, if Linda Perry worked an hour of overtime at the AB rate, she would receive the premium at the overtime rate of double for that hour. It is the intent of this agreement that Linda Perry be paid as if she were working as a Quartermaster for the entire period specified.
3. That this agreement shall be non-precedential, and may not be used as evidence in any future proceeding by either party.

**THE INLANDBOATMEN'S UNION OF THE PACIFIC AGREES:**

1. To the withdrawal of MEC Case No. 12-07. A signed copy of this agreement shall constitute a request for withdrawal, and may be presented by either party.
2. That this agreement shall be non-precedential, and may not be used as evidence in any future proceeding by either party.

**THE PARTIES MUTUALLY AGREE:**

1. That this agreement has been entered into by both sides to avoid the uncertainties and expense of litigation, and that by entering into this agreement, neither party has waived or conceded any position on any issue, expressly or by implication.

FOR THE IBU:           /s/ Robert H. Lavitt                      Date: 10/1/07

FOR WSF:               /s/ David J. Slown                              Date: 10/2/07