

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION  
OF THE PACIFIC on behalf of  
SIA TUIMAUGA,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 13-03

DECISION NO. 343 - MEC

ORDER DISMISSING  
ADJUSTED GRIEVANCE

*Dennis Conklin*, Business Agent, appearing for and on behalf of the Inlandboatmen's Union of the Pacific and Raymond Torres.

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

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on September 18, 2002, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of Sia Tuimauga. In its grievance arbitration request, IBU asserted that Washington State Ferries (WSF) improperly demoted Sia Tuimauga from a ticket seller to a lower classification and withheld one week's pay. IBU maintained that WSF violated the Code of Conduct and Rule 16 of the IBU/WSF Collective Bargaining Agreement.

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. 13-03. Commissioner John Sullivan was assigned to act as Mediator at a settlement conference scheduled for October 23, 2002. Commissioner John Byrne was designated to act as Arbitrator at the hearing scheduled for December 17, 2002.

The parties reached agreement during the October 23 settlement conference. Commissioner Sullivan forwarded the parties' signed settlement agreement to the MEC office (received October 24). The agreement 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 Sia Tuimauga and docketed as MEC Case No. 13-03, be dismissed.

DATED this 6th day of November 2002.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

## SETTLEMENT AGREEMENT

### MEC Case No. 13-03

IN FULL AND COMPLETE SETTLEMENT of MEC Case No. 13-03, the parties, the Inlandboatmen's Union of the Pacific, (IBU) on behalf of grievant Employee, and Washington State Ferries (WSF), hereby do agree as follows:

#### WASHINGTON STATE FERRIES AGREES:

1. To modify the discipline imposed by the disciplinary letter dated May 14, 2002 as follows:
  - a. WSF agrees to send Sia Tuimauga to its regularly scheduled Point-of-Sale (POS) training class in May or June 2003;
  - b. Sia Tuimauga's attendance at this class shall be paid, duty status, and WSF will provide relief for her to enable her to attend the class.
  - c. If Sia Tuimauga passes the POS class, she may return to a Ticket Seller position for the Summer Schedule through the normal bid process.
  - d. If Sia Tuimauga fails to pass the POS course in May-June 2003, she shall continue to work as a Traffic Attendant, but be eligible to attend other regularly scheduled POS classes, starting with the class in September 2003. Her attendance at such classes will be in non-duty status. Sia Tuimauga shall not be paid for attending the class(es), but will not be expected to make any payments to WSF for the class(es).
  - e. If Sia Tuimauga passes the POS class in September 2003, or a subsequent class, she shall be permitted to return to a selling position through the normal bidding process.
2. WSF agrees that the incident of failing to report to work on May 3<sup>rd</sup>, 2002, shall not be used in any fashion in any future cases or disputes with Sia Tuimauga.

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

1. To withdraw MEC Case No. 13-03. A signed copy of this agreement shall constitute a request for withdrawal, and may be presented by either party.

Dated this 23<sup>rd</sup> day of October, 2002.

For the IBU: /s/ Dennis Conklin

For WSF: /s/ Michael Manning