

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

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

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 2-07

DECISION NO. 499 - MEC

ORDER CLOSING
SETTLED GRIEVANCE

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

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 2, 2006 when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration, docketed as MEC Case No. 2-07. The IBU's grievance alleged that Washington State Ferries (WSF) terminated Amusia Tuimauga without just cause on March 10, 2006. At the time, the grievant was medically unfit for work due to an on-the-job injury and was receiving time-loss and medical care payments from Labor and Industries.

Commissioner John Sullivan was assigned to act as Mediator for the settlement conference scheduled on October 23, 2006. Chairman John Swanson was designated to act as Arbitrator and a hearing scheduled for November 29, 2006.

The parties were unable to reach agreement during the October 23 settlement conference. They appeared as scheduled for the November 29 hearing. The Arbitrator did not convene the

hearing immediately, but allowed the IBU and WSF time alone to discuss settlement further. The parties successfully resolved the matter.

On November 30, 2006, the IBU faxed a copy of the signed settlement agreement, which constitutes withdrawal of the grievance, to the MEC. 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. 2-07, is closed in acknowledgement of the parties' settlement agreement.

DATED this 8th day of December 2006.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner

SETTLEMENT AGREEMENT
IBU v. WSF (AMUSIA TUIMAUGA)
MEC CASE NO. 2-07

In order to avoid the uncertainties, delay, and additional costs associated with litigation, and to fully resolve the above referenced matter, the IBU and Washington State Ferries (Parties) hereby agree as follows:

1. Amusia Tuimauga (Grievant) is hereby reinstated to her full-time position as a Ticket Taker at Colman Dock effective November 30, 2006.
2. WSF agrees to pay, in the next full payroll cycle following the execution of the Agreement, one month back-pay (73.3 hours) including benefits. Grievant's seniority date shall remain unchanged.
3. Service Credit and Pension: Responsibility for purchasing back Service Credit through Dept. of Retirement Service (DRS) rests with Grievant. The Parties understand that the Employee must contact DRS within 30 days of execution of this Agreement. Grievant is responsible for all arrangements for purchasing Service Credit through DRS.
4. All correspondence and references to Grievant's termination shall be removed from her file within ten (10) days of this Agreement.
5. Either party may forward a copy of this notice to the MEC. Presentation of such shall constitute a withdrawal of this grievance under prejudice.
6. Amusia Tuimauga agrees that with respect to any future correspondence from WSF concerning her employment, WSF may send it regular mail to her address of record, and that proof of mailing shall constitute proof of receipt of the letter by Amusia Tuimauga.
7. The Arbitrator shall retain jurisdiction of this matter for a reasonable period to resolve disputes regarding implementation of this Agreement.

FOR THE IBU

/s/ Margaret Pelland
11/29/06

/s/ Amusia Tuimauga
11/29/06

FOR THE WSF

/s/ Steven V. Rodgers
11/29/06