

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION  
OF THE PACIFIC on behalf of  
ALLEN FONG and BRETT  
BARTANEN,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 5-03

DECISION NO. 335 - MEC

ORDER DISMISSING  
ADJUSTED GRIEVANCE

Schwerin, Campbell and Barnard, Attorneys, by *Dmitri Iglitzin*, appearing for and on behalf of the Inlandboatmen's Union of the Pacific, Allen Fong and Brett Bartanen.

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 July 10, 2002, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration as a Class Action represented by Allen Fong and Brett Bartanen. In its grievance arbitration request, IBU asserted that WSF failed to compensate IBU members/WSF workers for loss of items and medical bills resulting from a failed sewage hose connection, which covered them with raw sewage.

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. 5-03.

Commissioner John Sullivan was assigned to act as Mediator at a settlement conference scheduled for September 6, 2002. Commissioner John Byrne was designated to act as Arbitrator at the hearing on October 29, 2002.

During the settlement conference on September 6, 2002, with Commissioner Sullivan's assistance, the parties reached agreement. Commissioner Sullivan forwarded the signed settlement agreement (which constitutes withdrawal of the grievance) to the MEC office. 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 Inlandboatmen's Union of the Pacific on behalf of Allen Fong and Bret Bartanen and docketed as MEC Case No. 5-03, be dismissed.

DATED this 24th day of September 2002.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN NELSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner

## **Settlement Agreement MEC Case No. 5-03**

IN FULL AND COMPLETE SETTLEMENT of MEC Case No. 5-03, the InlandBoatmen's Union and Washington State Ferries agree as follows:

1. WSF shall pay, as reimbursement for lost items, the following amounts:
  - a. To Allen Fong           \$334.76
  - b. To Brent Bartanen     \$102.41
2. WSF shall pay to Brent Bartanen, additional wages at the AB rate for four (4) hours. This payment is due to the unique circumstances of this case, and shall be non-precedential.
3. The parties, by signing this agreement, do not intend to alter, amend, or change in any way, the terms of their Collective Bargaining Agreement.
4. The IBU agrees to withdraw MEC Case No. 5-03. A signed copy of this agreement shall constitute a request for withdrawal.
5. WSF and the IBU agree that extended temporary positions will not be put out for bid if the results of the extended temporary bid are not posted before the start of a permanent bid process. Extended temporary positions will be bid on the first Monday after the start of the new permanent scheduled. WSF agrees to notify employees of the dates extended temporary bidding will be suspended and resumed for each permanent bid period.
6. The IBU agrees to withdraw MEC Case No. 4-03. A signed copy of this agreement shall constitute a request for withdrawal.

/s/ Dennis Conklin  
For the IBU

9/6/02

/s/ Michael Manning  
For the WSF

9/6/02