

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC on behalf of
BONNIE SMITH,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 8-06

DECISION NO. 495 - MEC

ORDER CLOSING
SETTLED GRIEVANCE

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

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 September 20, 2005 when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration, MEC Case 8-06, on behalf of Bonnie Smith. IBU alleged that WSF terminated Ms. Smith without just cause.

Commissioner Elizabeth Ford was assigned to act as Mediator at a settlement conference scheduled for October 28, 2005. Chairman John Swanson was designated to act as Arbitrator at the hearing scheduled for December 12, 2005.

The IBU and WSF were unable to reach an agreement during the October 28 conference; however, by telephone on December 9, IBU notified the MEC that the parties had settled the matter. The December 12 hearing was cancelled.

On July 28, 2006, the IBU reported that the grievant had signed the settlement agreement. On August 25, AAG Slown reported that WSF was assessing the affect of penciled additions Bonnie Smith made to the settlement agreement, before signing and returning it. On September 29, Margaret Pelland reported that WSF was processing the matter for payment. By phone on November 7, Margaret Pelland informed MEC staff that Bonnie Smith has been paid according to the terms of the settlement.

WSF provided the MEC office with a signed copy of the settlement agreement (received November 7, 2006). That agreement constitutes IBU's request for withdrawal of the grievance and 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 Bonnie Smith and docketed as MEC Case No. 8-06, is closed in acknowledgment of the parties' settlement agreement.

DATED this 28th day of November 2006.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ELIZABETH FORD, Commissioner

SETTLEMENT AGREEMENT
MEC Case No. 8-06

IN FULL AND COMPLETE SETTLEMENT of all issues arising out of MEC Case No. 8-06, the parties, The Inlandboatmen's Union of the Pacific (IBU), Bonnie Sue Smith, grievant, and Washington State Ferries (WSF) do hereby agree as follows:

WSF Agrees:

1. To pay to Bonnie Sue Smith one month's wages at the full-time, straight-time rate, to cover the period from July 20, 2005 to August 20, 2005. Said payment shall be subject to the usual payroll deductions, and Bonnie Sue Smith shall be entitled to all normal benefit accruals for said period.
2. That any inquiries into the employment of Bonnie Sue Smith, shall be answered by WSF only with the facts: the dates of her employment, wage, and job description, without any characterization as to the quality of her service to WSF.
3. That WSF will not appeal any adverse decision regarding the claim of Bonnie Sue Smith for unemployment compensation for the period after July 20, 2005.

Bonnie Sue Smith Agrees:

1. To accept the payment set forth above in full and complete settlement of all issues arising out of MEC Case No. 8-06.
2. To resign her employment with WSF, effective August 20, 2005. A signed copy of this settlement agreement shall constitute a request to resign, and no further request shall be required to effectuate the resignation.
3. That she will never again seek employment with WSF. Should Bonnie Sue Smith violate the terms of this provision, she agrees that WSF may summarily reject any future application for employment submitted by her.
4. That by entering into this agreement the grievant, Bonnie Sue Smith, her heirs, assigns or other successors in interest releases the State of Washington, the Department of Transportation, Washington State Ferries, its officers, agents, employees, and agencies from all claims, causes of action, suits, civil or otherwise, known or unknown, based upon actions taken in their official capacities that arise out of or relate to her employment at WSF.

The IBU Agrees:

1. To withdraw MEC Case No. 8-06. A copy of this Agreement that constitute a request for withdrawal, and may be presented by any party.
2. That this agreement fully resolves all issues arising out of the facts underlying MEC Case No. 8-06.

Addendum #1

Regarding one month of health benefits—Request for a 3-week notice to employee and all health care providers (Group Health, Uniform Dental and Vision).

Addendum #2

Compensation and/or difference for wage increase/cost of living and proposed vacation hourly accrual rate increase for all the above that apply through my employment ending August 20, 2005.

/s/ Bonnie Sue Smith 12/18/05

/s/ Dennis Conklin 12/15/05
For the IBU

/s/ Steve Rogers 12/14/05
For WSF