

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

KENNETH F. IRISH,)	MEC Case No. 10-93
)	
Grievant,)	DECISION NO. 116 - MEC
)	
v.)	PETITION FOR
)	RECONSIDERATION OF
WASHINGTON STATE FERRIES and)	DECISION NO. 112 - MEC
DIST. NO. 1, PACIFIC COAST)	
DISTRICT, MARINE ENGINEERS)	DECISION AND ORDER
BENEFICIAL ASSOCIATION,)	
)	
Respondents.)	
_____)	

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on April 25, 1994, when Kenneth F. Irish filed a petition for reconsideration of Decision No. 112 - MEC, a decision in MEC Case No. 10-93, a request for grievance arbitration filed October 18, 1993. On that date, Mr. Irish had filed simultaneously his request for grievance arbitration against Washington State Ferries (WSF) and District No. 1 Pacific Coast District, Marine Engineers Beneficial Association (MEBA), and also an unfair labor practice complaint against both parties.

MEC investigated the grievance request by hearing and briefs, and entered a decision denying the request for lack of MEC jurisdiction based upon its findings of fact and conclusions of law, and ordered a dismissal.

Mr. Irish stated that MEC did not give full value to his statement of good cause as to why he did not avail himself of Step II in

The contractual grievance procedure and asked for reconsideration of Finding of Fact No. 5 and Conclusion of Law No. 4.

MEC discussed Mr. Irish's petition in open session at the regular MEC monthly meeting, April 29, 1994, and decided to deny the petition for the following reasons:

1. Decisions of MEC are final and binding. RCW 47.64.280.
2. None of the bases for reconsideration of a final and binding decision appeared to be present in the petition. Hall v. Seattle, 24 Wn. App. 357, 602 P. 2d 366 (1969).
3. The authority and jurisdiction of arbitrators are entirely terminated by the completion and delivery of an award. They have thereafter no power to recall the same, to order a rehearing, to amend, or to "interpret" in such manner as may be regarded as authoritative. But they may correct clerical mistakes or obvious errors of arithmetical computation.
Updegraff, Arbitration and Labor Relations, 116 (BNA Books, 1970).
4. No clarification or interpretation of a grievance award is permissible without the consent of WSF and MEBA. Code of Professional Responsibility for Arbitrators of Labor-Management Disputes, 64 LA 1317 at 1327.
5. MEC has scheduled Irish v. WSF and MEBA (ULP) based upon virtually identical alleged facts for hearing on July 7 and 8, 1994. Grievant Irish will then have a second opportunity to show the "good cause" which he believes MEC did not understand.

ORDER

The petition for reconsideration of Decision No. 112 - MEC filed by Kenneth F. Irish is hereby denied.

DONE this 13th day of May 1994.

MARINE EMPLOYEES' COMMISSION

/s/ HENRY L. CHILES, JR., Chairman

/s/ DONALD E. KOKJER, Commissioner

/s/ LOUIS O. STEWART, Commissioner