

STATE OF WASHINGTON  
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION  
OF THE PACIFIC on behalf of  
ERIK HOFTO,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 14-04

DECISION NO. 409 - MEC

ORDER OF DISMISSAL

*Dennis Conklin*, Regional Director, appearing for the Inlandboatmen's Union of the Pacific and Erik Hofto.

Christine Gregoire, 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 August 15, 2003, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of Erik Hofto. In its grievance arbitration request, IBU asserted that Washington State Ferries (WSF) required Erik Hofto to be clean-shaven beyond Labor and Industries' requirements.

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. 14-04. Commissioner John Byrne was assigned to act as Mediator at a settlement conference scheduled for December 8, 2003. Commissioner John Sullivan was designated to act as Arbitrator; the hearing was scheduled for January 5, 2004.

On September 19, 2003, at Commissioner Byrne's request, the settlement conference was moved up to October 23. The parties were unable to reach an agreement on that date. On December 31, the IBU requested the January 5, 2004 hearing be postponed to allow additional time for WSF to provide information requested by the Union. Arbitrator Sullivan granted the request; the hearing was subsequently continued to March 22.

On February 26, 2004, Robert Lavitt (IBU counsel for Case 32-04) requested the hearing dates in Case 14-04 and 32-04 be swapped because of the time sensitive nature of Case 32-04. The Commission granted the request. The hearing in the Hofto grievance, Case 14-04, was rescheduled for May 4, 2004.

By letter on May 3, 2004, the IBU notified the MEC that it was "withdrawing MEC Case No. 14-04 without prejudice."

### **ORDER**

It is hereby ordered that the request for grievance arbitration, filed by the Inlandboatmen's Union of the Pacific on behalf of Erik Hofto and docketed as MEC Case No. 14-04, be dismissed.

DATED this 11th day of May 2004.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner