

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

DISTRICT NO. 1, MARINE
ENGINEERS BENEFICIAL
ASSOCIATION on behalf of
IVAN DAVES,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 16-01

DECISION NO. 293 - MEC

ORDER OF DISMISSAL

Davies, Roberts and Reid, attorneys, by *Michael McCarthy*, appearing for and on behalf of District No. 1, Marine Engineers Beneficial Association and Ivan Daves.

Ryan, Swanson and Cleveland, attorneys, by *Robin Schachter*, appearing for and on behalf of Ivan Daves.

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 May 21, 2001, when District No. 1, Marine Engineers Beneficial Association (MEBA) filed a request for grievance arbitration on behalf of Ivan Daves. In its grievance arbitration request, MEBA alleged that disciplinary actions taken by Washington State Ferries (WSF) against Ivan Daves—demoting him to Assistant Engineer for six months and declaring him suspended for four months, during which time Mr. Daves was fit for duty—were without just cause, in violation of Sections 2(e) and 5 of the parties' Collective Bargaining Agreement.

MEBA certified that the grievance procedures in the pertinent MEBA/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. 16-01 and assigned to Commissioner John Sullivan, to act as Arbitrator. A hearing was scheduled for August 17, 2001.

MEBA amended the grievance on July 16, 2001 by filing copies of correspondence in which WSF denied Mr. Daves' request to attend the MEBA School.

At WSF's request, Arbitrator Sullivan continued the August 17 hearing to August 28, 2001. The parties reached an agreement, in principle, prior to convening the August 28 hearing; however, the settlement was subject to approval of senior MEBA officials.

By letter dated November 14, 2001, MEBA Representative, Mario Micomonaco, withdrew the grievance.

ORDER

It is hereby ordered that the request for grievance arbitration, filed by District No. 1, MEBA on behalf of Ivan Daves and docketed as MEC Case No. 16-01, be dismissed.

DATED this ____ day of November 2001.

MARINE EMPLOYEES' COMMISSION

JOHN NELSON, Chairman

JOHN SULLIVAN, Commissioner

JOHN BYRNE, Commissioner