

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION OF THE
PACIFIC on behalf of SAM
CALABRESE,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 19-03

DECISION NO. 363 - MEC

ORDER DISMISSING
ADJUSTED GRIEVANCE

Schwerin, Campbell and Barnard, attorneys, by *Dmitri Iglitzin*, appearing for the Inlandboatmen's Union of the Pacific and Sam Calabrese.

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 November 4, 2002, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of Sam Calabrese. In its grievance arbitration request, IBU asserted that WSF had failed to properly compensate Sam Calabrese for overtime earned when called in during scheduled time-off to relieve a sick employee. IBU maintained the following contract rules were violated: 1.11, 1.13, 11.01, 11.05, 11.06, Appendix A—1.01, all of 1.05.

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. 19-03. Commissioner John Byrne was assigned to act as Mediator at a settlement conference scheduled for November 22,

2002. Chairman John Nelson was designated to act as Arbitrator at the hearing on December 9, 2002.

The parties were unable to reach agreement during the November 22 settlement conference. At IBU's request, Arbitrator Nelson continued the December 9 hearing to January 21, 2003. Due to a conflict in Arbitrator Nelson's schedule, the hearing was later continued to January 22.

On January 21, 2003, IBU requested that Case 19-03 be consolidated with Case 25-03, scheduled to be heard on March 10, 2003. (IBU indicated the two grievances involved the same issue.) Arbitrator John Sullivan, assigned to Case 25-03, granted the request.

On March 10, 2003, prior to convening the hearing, the parties engaged in further settlement discussion. IBU counsel, Dmitri Iglitzin subsequently withdrew Case 19-03, on the record, and the hearing proceeded in Case 25-03 alone.

ORDER

It is hereby ordered that the request for grievance arbitration, filed by the Inlandboatmen's Union of the Pacific on behalf of Sam Calabrese and docketed as MEC Case No. 19-03, be dismissed.

DATED this ____ day of March 2003.

MARINE EMPLOYEES' COMMISSION

JOHN NELSON, Chairman

JOHN SULLIVAN, Commissioner

JOHN BYRNE, Commissioner