

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC on behalf of
MARK GRIPP,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 44-04

DECISION NO. 412 - MEC

ORDER CLOSING GRIEVANCE

Jay Ubelhart, Business Agent, appearing for the Inlandboatmen's Union of the Pacific.

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 February 26, 2004, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of Mark Gripp. In its grievance arbitration request, IBU alleged that Washington State Ferries (WSF) denied Mark Gripp penalty pay for moving a hazardous container on and off the vessel, in violation of the collective bargaining agreement.

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. 44-04. Commissioner John Byrne was assigned to act as Mediator at a settlement conference scheduled for May 13, 2004. Chairman John Swanson was designated to act as Arbitrator at the hearing scheduled on August 3, 2004.

On May 11, 2004, WSF counsel David Slown advised the MEC that WSF personnel needed to settle this case were unavailable on May 13, due to an employee recognition function. He requested that the May 13 settlement conference be continued to the following week. The MEC continued the settlement conference to May 17, 2004.

On May 12, 2004, AAG Slown requested the May 17 settlement be postponed. WSF operations personnel considered necessary to discussions were not available. Commissioner Byrne granted the request. The parties agreed that, if time allowed, they would discuss this matter on May 20 following conferences scheduled in three other IBU cases.

On May 20, 2004, settlement discussions between the IBU and WSF resulted in the IBU withdrawing Case 44-04.

ORDER

It is hereby ordered that the request for grievance arbitration, filed by the Inlandboatmen's Union of the Pacific and docketed as MEC Case No. 44-04, be closed in acknowledgement of IBU's withdrawal.

DATED this 3rd day of June 2004.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ JOHN BYRNE, Commissioner