

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

DISTRICT NO 1, MARINE)	
ENGINEERS BENEFICIAL)	MEC Case No. 45-00
ASSOCIATION on behalf of)	
WILLIAM COSTELLO,)	
)	
Grievant,)	DECISION NO. 268 – MEC
)	
v.)	
)	ORDER OF DISMISSAL
WASHINGTON STATE FERRIES,)	
)	
Respondent.)	
_____)	

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

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 20, 2000, when District No. 1, Marine Engineers Beneficial Association (MEBA) filed a request for grievance arbitration on behalf of William Costello. In its grievance arbitration request, MEBA alleged that Washington State Ferries (WSF) failed to continue paying Staff Chief wages to William Costello after his position was eliminated following consolidation of the Passenger Only/Passenger Only Fast Ferries Program. MEBA cited past instances where a Staff Chief Engineer had been displaced due to a management decision and WSF continued to pay Staff Chief wages to the employee in a new assignment as a Chief Engineer.

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. 45-00 and assigned to Chairman Jack D. Nelson, to act as Arbitrator. A hearing was scheduled for March 14, 2001.

By telephone on March 8, 2001, MEBA requested a continuance of the hearing. Union Representative, Mario Micomonaco, informed the MEC that Attorney Michael McCarthy, representing MEBA in this matter as of early March, required additional time to prepare his case. Arbitrator Nelson granted the request. The hearing was continued to May 8, 2001.

By facsimile on April 24, 2001, Union Representative, Mario Micomonaco, withdrew the grievance, by copy of Mr. Costello's letter to MEBA requesting the same. The scheduled hearing was cancelled.

ORDER

It is hereby ordered that the request for grievance arbitration, filed by District No. 1, MEBA on behalf of William Costello and docketed as MEC Case No. 45-00, be dismissed.

DATED this ____ day of _____ 2001.

MARINE EMPLOYEES' COMMISSION

JOHN D. NELSON, Chairman

DAVID E. WILLIAMS, Commissioner