

## **Arbitration Summary**

**UNION:** Masters, Mates & Pilots (MM&P)

**AGENCY:** Department of Transportation, Ferries Division

**GRIEVANT:** James Russell

**CBA:** MM&P-Deck 2007-2009

**ARBITRATOR:** Alan R. Krebs

**DATE FILED:** September 10, 2009

**HEARING DATE:** November 22, 2010

**DATE OF AWARD:** February 14, 2011

### **ARTICLE(S) GRIEVED:**

Rule 2.01.15 – Definitions – Mate

Rule 2.01.27 – Definitions – Temporary Mate

Rule 3.02 – Union Recognition & Security – Union Membership

Rule 5.04 – Manning of Vessels - Rejection of Deck Officers

Rule 5.05 – Manning of Vessels – Rejections

Rule 20.06 – Seniority – Mates' Seniority Roster

Rule 20.07 – Seniority – Posting of Seniority Rosters

Rule 20.08 – Seniority – Protest of Seniority Rosters

Rule 22.02 – Grievance Procedure – Terms and Requirements

Rule 22.03 – Grievance Procedure – Filing and Processing

### **ISSUE STATEMENT(S):**

Was the grievance filed timely? If so, did the State violate Rule 5.04 and 5.05 by rejecting James Russell as a mate? If so, what is the appropriate remedy?

### **AWARD:**

The arbitrator, Alan R. Krebs, found that the grievance was filed timely. However, the Employer met the burden of proof by showing it had sufficient basis to reject the Grievant for the position of Deck Officer because he was "unsatisfactory." The grievance was denied.