Arbitration Summary

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

AGENCY: Department of Transportation, Ferries Division

GRIEVANT: James Russell


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.