

STATE OF WASHINGTON  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

DONALD DOWNING,	)	MEC CASE NO. 2-87
	)	MEC CASE NO. 2-83
	)	PERC NO. 4548-A-83-382
Grievant,	)	
	)	DECISION NO. 31-MEC
v.	)	
	)	DECISION REGARDING PETITION
WASHINGTON STATE FERRIES,	)	FOR REVIEW OF EXAMINER'S
	)	DECISION AND ORDER OF
Respondent.	)	APRIL 3, 1987
	)	
_____	)	

Kenneth R. Shear, Attorney at Law, appeared on behalf of the grievant.

Kenneth Eikenberry, Attorney General, by Robert M. McIntosh, appeared on behalf of the Washington State Ferries.

On April 8, 1987 Donald Downing filed a Petition for Review of Examiner Louis Stewart's Decision and Order of April 3, 1987, which dismissed Downing's Request for Reconsideration of Decision No. 4-C MEC.

The case, entitled 2-87 MEC, came on for hearing on May 29, 1987 before Commission Chairman David Haworth and Commissioner Donald Kokjer at the Seattle Port Commission Conference Room, Pier 66, Seattle, Washington. Commissioner Stewart, the Hearing Examiner whose decision was under review, did not participate. Kenneth R. Shear, Attorney at Law, appeared for and on behalf of the grievant, Donald Downing. Robert McIntosh, Assistant Attorney General, appeared for and on behalf of the employer, Washington State Ferries.

The Commissioners had before them the Petition for Review detailing petitioner's position. Oral arguments were presented by the parties and at the conclusion of the hearing, the

respondent was requested to file a written response to grievant Downing's Petition for Review of April 7, 1987.

The transcript of the May 29, 1987 hearing and the employer's written response to the Petition for Review were both received at the Marine Employees' Commission office in Olympia, Washington, on June 1, 1987.

Commission Chairman Haworth and Commissioner Kokjer have carefully reviewed the Hearing Examiner's Decision, the Petition, the transcript, and the response to the petition. Based on the conclusions reached by the Commissioners as a result of this review of all of the facts presented in the case, the Marine Employees' Commission now enters the following Order:

#### ORDER

1. Any concern by Grievant regarding Washington State Ferries seniority calculations should be pursued through the filing of a new grievance.
2. Any such new grievance should be pursued in accordance with the terms of the Agreement in effect at the time of the incident.
3. The Examiner's Decision and Order of April 3, 1987 is appropriate and the Petition for Review is therefore denied.

Dated at Olympia, Washington, this 30<sup>th</sup> day of June, 1987.

MARINE EMPLOYEES' COMMISSION

/s/ DAVID P. HAWORTH, Chairman

/s/ DONALD E. KOKJER, Commissioner