

**MINUTES OF THE MEETING OF THE
COAST LABOR RELATIONS COMMITTEE**

Meeting No. 10-98

Time: 10:00 a.m., August 18, 1998

Place: Pacific Maritime Association
550 California Street, Sacramento Street Tower
San Francisco, California

Present:	<u>For the Union</u>	<u>For the Employers</u>
	B. McEllrath	R. Janssen
	R. Ortiz	S. Jones
		J. McNeill
		T. Lane

Also Present: L. O'Keefe

1. Registration

- (a) Correction – CLRC Meeting No. 9-98, Item 1(b) – Referral NC-24-98 -- Child of Deceased -- Angela Lori Patrick – San Francisco Bay Area (Local 10)

Based on new information, the Committee agrees to rescind its approval of this request. The new information is that the deceased father was eligible for an unreduced normal pension benefit and, therefore, does not meet the requirements of Rule 7 of the Coastwise Rules of Registration/Deregistration of Longshoremen and Clerks.

- (b) SC-93-98 – Joint Registration Request -- 200 Additional Class “B” Longshoremen – Los Angeles/Long Beach (Local 13)

The Committee approved this request for 200 additions to the Class “B” registration list in accordance with Supplement I-A.

- (c) NC-30-98 & NC-33-98 – Additional Registration and Identified Casuals – San Francisco Bay Area (Local 10)

The Committee discussed these Referrals in which there is a mutual agreement for additional Class “B” longshore registrants and additional Identified Casuals. There has been no agreement on the number of Class “B” additions or the source of applicants for Identified Casual status.

The CLRC approves the addition of seventy-five (75) Class "B" longshoremen to be processed and trained at the rate of 25 per month.

The CLRC does not agree on the process for applications for Identified Casual applicants. The Union maintains that each "A," "B," Casual, and Unidentified Casual of Locals 10, 34, and 91 should receive an application with a like number being provided to the State Employment Development Department (EDD) offices in the Bay Area. The Employers do not agree to the distribution of applications proposed by the Union, and they maintain that the jointly-agreed-to system used in 1991 for the most recent addition of Identified Casuals should continue as adopted in CLRC Meeting No. 7-91, Item 1(o). The Employers' position is that 450 applications should be selected by random draw from applications distributed and received by the EDD.

The Committee reached disagreement on the procedure for distribution of Identified Casual applications in the San Francisco Bay Area.

(d) NC-25-98 -- Employer Referral re Transfers to Marine Clerk Registration -- San Francisco Bay Area (Local 34)

The Committee discussed this Referral in which the Employers are seeking 75 transfers from the longshore registration list to the clerk registration list in the ports of San Francisco Bay. The Union at the Joint Port Labor Relations Committee has not met with the Employers to discuss a number of transfers. The Employers maintain that in the absence of a Joint Port Labor Relations Committee agreement on the number of additions, the Employers at the CLRC move that 40 transfers, based on the Quarterly Manpower Review, be approved in accordance with the provision of Supplement I-A, Paragraph 4. Such transfers shall be processed in accordance with the provisions of Supplement I-A. Twenty transfers shall be added in September and 20 in October, 1998.

The Union's position is that the Employers at the Joint Port Labor Relations Committee level have not met with the Union to discuss the transfers and that this Referral should be set aside, pending a meeting by the Joint Port Clerk's Labor Relations Committee to discuss the Employers' proposal.

Disagreement reached.

(e) SC-91-98 -- Joint Request to Elevate 300 Class "B" Longshoremen to Class "A" Longshore Status -- Los Angeles/Long Beach (Local 13)

The Committee approved this request to elevate 300 Class "B" longshoremen to Class "A" longshore status in accordance with the procedure outlined in the Referral. These elevations will occur at the rate of 50 per month.

- (f) PS-15-98 -- Joint Request to Register 10 Individuals to Class "B" Longshore Registration – Tacoma (Local 23)

The Committee approved this request to register 10 Class "B" longshoremen based on Supplement I-A and in accordance with the Blanchfield et al Settlement.

- (g) SC-87-98 -- Joint Request -- Child of Deceased -- Yolanda Roberts -- Los Angeles/Long Beach (Local 13)

The Committee approved the request of Yolanda Roberts for Class "B" longshore registration in accordance with Rule 7 of the Coastwise Rules of Registration/Deregistration of Longshoremen and Clerks. Registration is to be completed within 90 days of this approval.

- (h) SC-79-98 Joint Request -- Child of Deceased -- Danita J. Byrd -- Los Angeles/Long Beach (Local 13)

The Committee approved the request of Danita J. Byrd for Class "B" longshore registration in accordance with Rule 7 of the Coastwise Rules of Registration/Deregistration of Longshoremen and Clerks. Registration is to be completed within 90 days of this approval.

- (i) SC-72-98 -- Union Request for Advancement to Class "A" Longshore Status -- Guillermina De La Cruz (#37016) -- Los Angeles/Long Beach (Local 13)

The Committee approved the advancement of Guillermina De La Cruz (#37016) to Class "A" longshore status.

- (j) SC-51-98 -- Joint Request for Advancement to Class "A" Longshore Mechanic Registration -- J. Wong (#37742) and B. Lazzaro (#37744) -- Terminal Maintenance Corp. -- Los Angeles/Long Beach (Local 13)

The Committee approved this request to advance J. Wong and B. Lazzaro to Class "A" longshore mechanic registration.

- (k) SC-90-98 -- Joint Request for Class "B" Longshore Mechanic Registration – 19 Individuals – Harbor Industrial Maintenance – Los Angeles/Long Beach (Local 13)

The Committee approved this request to register the 19 individuals listed on the Referral to Class "B" longshore mechanic registration.

- (l) SC-89-98 -- Joint Request for Class "B" Longshore Mechanic Registration -- Jose Gonzalez -- Eagle Marine Services -- Los Angeles/Long Beach (Local 13)

The Committee approved this request to register Jose Gonzalez as a Class "B" longshore mechanic.

- (m) SC-86-98 -- Joint Request for Class "B" Longshore Mechanic Registration -- Antonio Cruz-Palma -- PCMC -- Los Angeles/Long Beach (Local 13)

The Committee approved this request to register Antonio Cruz-Palma as a Class "B" longshore mechanic.

- (n) SC-85-98 -- Joint Request for Class "B" Longshore Mechanic Registration -- Amado Pilato, Jr. -- PCMC -- Los Angeles/Long Beach (Local 13)

The Committee approved this request to register Amada Pilato, Jr. as a Class "B" longshore mechanic.

- (o) SC-84-98 -- Joint Request for Class "B" Longshore Mechanic Registration -- M. Arvizu and A. Marquez -- Harbor Industrial Maintenance -- Los Angeles/Long Beach (Local 13)

The Committee approved this request to register M. Arvizu and A. Marquez as Class "B" longshore mechanics.

- (p) SC-83-98 -- Joint Request for Class "B" Longshore Mechanic Registration -- Victor Scallo -- PCMC -- Los Angeles/Long Beach (Local 13)

The Committee approved this request to register Victor Scallo as a Class "B" longshore mechanic.

- (q) SC-82-98 -- Joint Request for Class "B" Longshore Mechanic Registration -- K. Jung and R. Reapor -- Bridge Warehouse -- Los Angeles/Long Beach (Local 13)

The Committee approved this request to register K. Jung and R. Reapor as Class "B" longshore mechanics.

- (r) SC-78-98 -- Joint Request for Class "B" Longshore Mechanic Registration -- Michael Foster -- Harbor Industrial Maintenance -- Los Angeles/Long Beach (Local 13)

The Committee approved this request to register Michael Foster as a Class "B" longshore mechanic.

- (s) SC-77-98 -- Joint Request for Class "B" Longshore Mechanic Registration -- Jorge Delgado -- Terminal Maintenance Corp. -- Los Angeles/Long Beach (Local 13)

The Committee approved this request to register Jorge Delgado as a Class "B" longshore mechanic.

- (t) SC-76-98 -- Joint Request for Class "B" Longshore Mechanic Registration -- R. Marcia and D. Hultgen -- PCMC -- Los Angeles/Long Beach (Local 13)

The Committee approved this request to register R. Marcia and D. Hultgen as Class "B" longshore mechanics.

- (u) SC-34-98 -- Union Request for Class "B" Longshore Registration -- David Calderon -- Los Angeles/Long Beach (Local 13)

The Committee discussed this Referral concerning Identified Casual David Calderon, who did not report for Class "B" registration processing in May 1996 when notified by the Joint Port Labor Relations Committee. Calderon was working as an Identified Casual prior to 1996 and resumed Identified Casual work in November of 1996, accruing more than 3,700 hours of work experience. The Committee agrees that Calderon shall be eligible for future addition to the Class "B" registration list in accordance with the Coastwise Rules of Registration/Deregistration of Longshoremen and Clerks.

- (v) SC-70-98 -- Union Request for Crediting of Hours -- Danny Vilicich (#566-98-3903) -- Los Angeles/Long Beach (Local 13)

The Committee noted that this request is properly an item for consideration by the Los Angeles/Long Beach Joint Port Labor Relations Committee in accordance with the provision of CLRC Meeting No. 14-92, Item 1(d). Accordingly, the Referral is remanded to the Los Angeles/Long Beach Joint Port Labor Relations Committee.

- (w) SC-62-98 -- Union Request for Reinstatement -- Urseley Hobbs (#34752) -- Los Angeles/Long Beach (Local 13)

The Committee approved of the recommendation of the Joint Port Labor Relations Committee that Urseley Hobbs shall be reinstated subject to the following criteria:

1. She must maintain a minimum of 400 work hours in each payroll quarter. Should she fail to do so without a Joint Port Labor Relations Committee approved excuse, she shall be automatically deregistered.

2. She is subject to six random drug and alcohol screening tests within a three-year period. Should she fail to undergo a test when ordered, submit a sample unsuitable for testing, or receive a positive result, she shall be automatically deregistered.
3. She must attend a minimum of four AA/NA meetings each week and must maintain contact with Ms. Cummings, as is recommended.
4. She will be ineligible to work the second or third shift for a minimum of one year.
5. She will remain on probationary status for three years from the date of reinstatement.

2. **SC-68-98 -- Union Claim re Alleged Violation of Dispatching Linesmen -- Los Angeles/Long Beach (Local 13)**

The Committee discussed this Referral and noted that the current issue has not been presented to the Area Arbitrator. In accordance with the Coast Arbitrator's comments in the December 4, 1997 hearing transcript related to this issue, the Committee agrees that the dispute must be processed through the steps of the grievance machinery, including the Area Arbitrator. Accordingly, the issue in this Referral is returned to the local grievance machinery for processing by the moving party.

3. **SC-92-98 -- Employer Appeal of Area Arbitration SC-37-97 re Utilization of Monthly UTR Driver on All UTR-Rated Equipment -- Los Angeles/Long Beach (Local 13)**

The Committee discussed this Area Arbitration Decision in which the Arbitrator ruled that all monthly UTR orders in Los Angeles/Long Beach shall be tagged as tophandler/sidehandler and shall be paid at the 20% rate. The Employers maintain the Area Arbitrator's Decision is in error since it conflicts with the Addenda, Los Angeles/Long Beach UTR Drivers, PCLCD, Page 223, Item C(2), and the Joint Port Labor Relations Committee agreement in Meeting No. 176-96, December 12, 1996, Item 2. These provisions required the monthly UTR operators be paid at the applicable shift UTR rate of pay.

The Union's position is that the Area Arbitrator's Decision is correct.

Disagreement reached.

4. NC-27-98 -- Employer Appeal of Area Arbitration No. NC-8-98 re Mechanics' Registration -- San Francisco Bay Area (Local 10)

The Committee discussed this Area Arbitration Decision in which the Arbitrator ruled that ILWU mechanics who were registered with their steady job, and subsequently released to the hall due to a reduction in work, are not required to apply for steady mechanic positions for which they are qualified. The Employers maintain this Decision is not consistent with the Coast Arbitrator's Decision No. C-3-83 and Bench Decision of August 7, 1998, as well as the Arian/Coday Letter of Understanding dated July 1, 1993.

The Union maintains the Area Arbitration Decision was correct.

Disagreement reached.

5. CR-19-98 -- Joint Referral re Dispute -- Most Favored Nations re Shipboard Bulk Grain Manning (Oregon and Washington Longshore Locals)

The Committee discussed this Referral in which the Employers maintain that PMA members should be permitted the same Favored Nation terms and conditions for shipboard grain-loading operations that the ILWU has negotiated outside of the ILWU-PMA Agreement with non-PMA members, Peavey and Kalama Export Company. The Employers maintain that long-standing commitments in letters between J. Paul St. Sure and Harry Bridges, as well as CLRC understandings, support the Employers' position that other terminals should be allowed the same terms and conditions that the ILWU provides to non-members.

The Union's position is that the PMA stevedores are not entitled to apply the Kalama Peavey Grain site manning and conditions to any other site for two reasons:

1. The Kalama Peavey Site manning, differentiated from the Columbia River Shipboard Grain Manning, was originally established by M-Letter M-3-83 pursuant to Area Arbitration Decision O-35-83 and Kagel Arbitration Decision C-15-83.
2. The "favored nation" understanding between the PMA and the ILWU, the genesis of which is the 1956 and 1957 exchange of letters between Bridges and St. Sure, does not obligate or bind the ILWU to modify its agreement with the PMA should a non-PMA company enjoy a "better" agreement with the ILWU. Bridges only states, "... the ILWU will keep in mind at all times the provisions and terms of our agreements with the PMA, and we will do our best to avoid any situations which, as a result of any agreements between ILWU and non-PMA members, may tend to disrupt existing agreements or relationships between ILWU and PMA."

Additionally, the Union maintains the Employers' position regarding this Most Favored Nations claim is bad faith when introduced at the opening of bargaining on the ILWU-PMA Shipboard Grain Agreement.

Disagreement reached.

6. Items Discussed and Held Over

- (a) Referral PS-13-98 -- Held over by the Committee.
- (b) Referral SC-73-98 -- Held over by the Union.
- (c) Referral SC-46-98 -- Held over by the Union.
- (d) Draft Reinstatement Policy
- (e) Draft Drug and Alcohol Letter
- (f) Referral SC-80-98 -- Held over by the Committee.
- (g) Referral SC-75-98 -- Held over by the Union.
- (h) Referral CR-16-98 -- Held over by the Employers.
- (i) Referral CR-18-98 -- Held over by the Committee.
- (j) Referral NC-02-98 -- Held over by the Employers.

Signed: September 1st, 1998

Signed: August 28, 1998

For the Union:

For the Employers:

/s/ Robert McEllrath

/s/ Terry N. Lane

/s/ Ray Ortiz, Jr.