

MINUTES OF MEETING OF THE
COAST LABOR RELATIONS COMMITTEE

Meeting No. 25-79

Time: 10:00 A.M., November 9, 1979

Place: 635 Sacramento Street
San Francisco, California

Present:	<u>For the Union</u>	<u>For the Employers</u>
	W. Ward	W. Brobst
	R. Wise	H. Copsey
		R. Cunan
		J. Doll
		B. Kelly
		R. Holtgrave
		T. Lane

Also Present: E. Wakefield

1. American President Lines Work Stoppages--Seattle (PS-6-79, Area Awards W-1-79, W-2-79, W-21-79, W-27-79) (See CLRC Meeting No. 15-79 Item 2 and CLRC Meeting No. 16-79 Item 2)

The Committee discussed Area Arbitrator's Decision W-27-79, which modified Decision W-21-79. It was the position of the Employers that these decisions establish that the Business Agent and longshoremen named in the referral are guilty of an illegal work stoppage. The Employers stated that the issue of a penalty is properly before this Committee. The Employers moved that the Business Agent be assessed a penalty of six months off. The Employers also moved that the longshoremen named in the referral be assessed a penalty of five days off, suspended.

The Union stated they disagree with the Employers' position as the Area Arbitrator's Decision W-27-79 clearly finds the Business Agent and the individuals named in the Employers' complaint not guilty of an illegal work stoppage.

The Union also stated that any discussion concerning penalties for the Business Agent or those named individuals is not in accordance with the Agreement, and is not properly before this Committee.

The Union will not respond to either of the Employers' improper motions.

The Employers pointed out that the Area Arbitrator in his Decision W-27-79 found all members of the Local guilty of the illegal work stoppages. Therefore, the Employers disagree with the Union's position that the Business Agent and named individuals are not guilty of an illegal work stoppage. The degree to which an individual or named individuals are guilty can vary in relationship to their particular involvement in a work stoppage of this nature. It is the Employers' position that the selective motions regarding disciplinary penalty to be imposed against the Business Agent and the named individuals are proper in relationship to the degree of guilt involved by such persons in the original work stoppage which subsequently was expanded to other vessels and a CFS station.

The Employers note that after the Area Arbitrator's original decisions W-1-79 and W-2-79 a commitment was made by the parties to process this grievance to a conclusion at the Coast level, as opposed to the normal processing of this type of grievance in which the local LRC or the local Area Arbitrator first establishes guilt and subsequently the local LRC or the local Area Arbitrator establishes appropriate disciplinary penalties. Therefore, the Employers disagree with the Union's position that the matter of penalties, including the degree of penalties to be assessed, is not properly before this Committee.

The Employers further contend that imposing disciplinary penalties against a Business Agent or named individuals is in accordance with the Agreement, past practice of the parties and past decisions of Arbitrators. Therefore, the Employers disagree with the Union's position that such penalties are not in accordance with the Agreement.

The Union referred to JCLRC Meeting #16-79, Item 1, in which the Employers exercised their rights and moved to refer the matter of guilt or innocence of the Business Agent and the named individuals to the Area Arbitrator for a decision. The Employers' motion to impose selective penalties for those found not guilty by the Arbitrator is improper. Selective motions on disciplinary penalties when the Arbitrator has found the Union collectively responsible for the contract violation is discriminatory. The contract provides a remedy for a work stoppage caused by the collective action of the Union. (Section 20.61)

The Employers stated it is their intent to promptly submit these disagreements to the Coast Arbitrator for resolution.

2. a. Additional Clerks Registration -- Port Hueneme (SC-58-79, Local 46)

The Committee approved this request of the Port Hueneme Joint Port Labor Relations Committee to transfer three men from the longshore registration list to the clerks' registration list.

- b. Child of Deceased -- Henry Watkins (NC-48-79, Local 10)

The Committee approved the registration of Henry Watkins for Class "B" longshore registration in accordance with the provisions of CLRC Meeting No. 21-63, Item 2(j).

- c. Child of Deceased Clerk -- Thomas R. Carner (SC-60-79, Local 63)

The Committee approved the registration of Thomas R. Carner for Class "B" clerk registration in accordance with the provisions of CLRC Meeting No. 21-63, Item 2(j).

- d. Re-registration Request -- Lodis Pace (NC-40-79, Local 10)

The Committee discussed this request and agreed to return the referral to the local parties. The question of whether Mr. Pace's deregistration was proper can be determined through the local grievance machinery.

- e. Elevation of "B" to "A" -- Port Hueneme (SC-59-79, Local 46)

The Committee approved the request of the Port Hueneme Joint Port Labor Relations Committee to advance John Christensen and Marvin Clayton to Class "A" longshore status.

- f. Low Work Opportunity Ports

In accordance with Supplement III and CLRC Meeting No. 2-79, the Committee agreed that the following port is classified as a "low work opportunity port" for the registration group indicated:

<u>Port</u>	<u>Registration Group</u>	<u>To remain in LWOP status for 26 weeks beginning</u>
Astoria	A	10/27/79

As a result of this review, the list of ports and registration classifications presently having low-work-opportunity status is as follows:

<u>Port and Category</u>	<u>Status based on six payroll weeks ending</u>	<u>Status May End</u>
San Francisco B	5/26/79	11/24/79
San Francisco A	7/07/79	1/05/80
Eureka A	8/04/79	2/02/80
Newport A	8/04/79	2/02/80
Port Gamble A	8/04/79	2/02/80
Bellingham A	8/04/79	2/02/80
Crescent City/Gold Beach A	9/15/79	3/15/80
Stockton B	10/13/79	4/12/80
Astoria A	10/27/79	4/26/80

3. Discrimination Claim -- Guadalupe Marquez (Garchik letter of November 2, 1979)

The Committee acknowledged receipt of a letter from Jerome M. Garchik on behalf of Guadalupe Marquez.

4. Appeal of Area Arbitration NC-55-79 (NC-31-79, Local 34)

The Committee discussed this referral. The Employers' position is that the Relief Arbitrator exceeded his authority based on CLRC Meeting No. 1-78, Item 5, and the decision should be vacated. The issue involving clerks' jurisdiction should be heard by the Area Arbitrator.

The Union maintained that the Relief Arbitrator properly heard this case and the decision was correct.

Disagreement reached.

5. Jurisdiction -- Fueling, Starting Disabled Vehicles on Board a Vessel (NC-39-79, Local 10)

The Committee discussed this referral involving the fueling, starting and related work on vehicles on board a ship. The Employers maintained that the use of IAM mechanics to perform this work is proper under the PCLCD and CLRC Meeting No. 22-67, Item 4.

The Union's position is that this is longshore work and the use of nonlongshoremen is in violation of the PCLCD and CLRC Meeting No. 22-67, Item 4.

Disagreement reached.

6. Crane Designation Request -- Matson, Los Angeles -- Paceco Transtainers

The Committee approved the Employers' request that the Paceco transtainers used by Matson in Los Angeles be designated "longshore cranes" in accordance with Section 14.21 of the PCLCD.

7. Dispatch of Supercargoes -- Eureka (NC-16-79, Local 14)

In accordance with Section 17.262 of the PCLCD, the Committee declines to review the issue in this referral. This Committee recommends that the local parties negotiate appropriate rules to resolve this matter.

8. Items Discussed and Held Over

- a. PS-20-79
- b. PS-21-79
- c. PS-22-79
- d. PS-23-79
- e. NC-43-79
- f. NC-34-79

8. Items Discussed and Held Over (continued)

- g. NC-45-79
- h. Bareboat crane issue, Los Angeles (SC-27-79, SC-38-79,
SC-50-79, SC-51-79, SC-56-79)
- i. SC-07-79
- j. SC-43-79
- k. NC-41-79

Signed 12/28/79

Signed 11/15/79

For the Union:

For the Employers:

/s/ James A. Herman

/s/ R. R. Holtgrave

/s/ Richard C. Wise
