



**Pacific Maritime Association  
Headquarters**

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November 27, 2012

**Via Email and Fax No. 415-775-9783**

Mr. Ray Ortiz, Jr., Coast Committeeman Mr.  
Leal Sundet, Coast Committeeman  
International Longshore and Warehouse Union  
1188 Franklin Street, 4<sup>th</sup> Floor  
San Francisco, CA 94109

**Re: Employer Position Regarding Area Arbitration SCGM-0009-2012 and Coast  
Appeals Officer Decision CA-10-2012**

Dear Messrs. Sundet and Ortiz:

Further to the communication from the Employers to the Union on October 25, 2012, and November 21, 2012, the Employers again propose that the Coast Labor Relations Committee immediately vacate Southern California Area Arbitration Opinion and Decision No. SCGM-0009-2012 in connection with Section 13.2 Grievance No. SP-0032-2012, and dismiss the grievance immediately. The Employers further propose that the Committee immediately vacate CA-10-2012 in connection with the same grievance.

This morning, the Employers received a copy of the Coast Appeals Officer's decision CA-10-2012 in which an additional penalty of 180 days off was assessed to Mr. Aldape. Of particular concern is that the Coast Officer determined, without a hearing, that Mr. Aldape engaged in retaliatory conduct through the posting of the flyer and information related to the case on the website "longshore-labor-relations.com". The Employers are not aware of any evidence, let alone evidence introduced through a proper hearing, that Mr. Aldape, rather than someone else, posted anything on the internet, and they question whether the information posted on "longshore-labor-relations.com" is "retaliatory" within the meaning of Section 13.2.

As previously stated, it is the Employers' position that Mr. Aldape's initial action did not in any way violate Section 13.2. The Employers find it disturbing and, certainly contrary to the Special Procedures for Section 13.2 Complaints, that the Coast Appeals Officer has now increased the penalty for Mr. Aldape when no violation of Section 13.2 even exists in this case.

Having received no response to the prior communications dated October 25, 2012 and November 21, 2012 regarding this case, the Employers move that the Coast Parties, by no later than the close of business today, exercise their authority as administrators of the PCL&CA and intervene in this matter by dismissing the grievance SP-0032-2012, and vacate Decisions SCGM-0009-2012 and CA-10-2012. Additionally, the Employers move that the Coast Parties

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affirmatively advise ILWU Local 13 and the local PMA office that no penalty action is to be taken against Mr. Aldape. Again, these awards conflict with both the letter and the spirit of Section 13 and the Employers wish to have no part in implementing those decisions.

Regards,

A handwritten signature in black ink, appearing to read "Richard Marzano", followed by a horizontal line.

Richard Marzano, Coast Director  
Contract Administration and Arbitration

cc: S. Hennessey  
N. Romanowski