

19. Generic Drug Education Program: Pursuant to the 2008 PCL&CA contract negotiations, the parties agree to work with the Plan consultant to develop an education program for generic prescription drugs.

**IV. ILWU-PMA 401k Plan**

- A. Effective January 1, 2009, registered workers shall be permitted to choose whether to have any percentage of their vacation checks placed in their 401(k) plan.
- B. Effective July 1, 2008, there shall be a 3rd shift conversion for employer contributions into a registered worker's 401(k) account.

**V. Section 5 – Holidays**

- A. Amend Section 5.21 to read:

“Saturday” shall be added to Section 5.21 so that Section 5.21 reads as follows:

“When a holiday falls on Saturday or Sunday, the work schedule provided in Section 5.2 shall apply on Saturday or Sunday, respectively; however, the holiday shall be observed on Monday and payment as provided in Section 5.32, 5.321, and 5.322 shall apply to Monday.”

**VI. Section 9 – PCL&CA Promotions and Training**

- A. Diversity Training:

See Letter of Understanding – Diversity Training, dated July 1, 2008 – Attached.

- B. General Safety Training:

See Letter of Understanding – General Safety Training, dated July 1, 2008 – Attached.

**VII. No Discrimination**

- A. Section 13.2 Addendum shall be amended as follows:

“A panel of neutral professional labor arbitrators shall hear all Section 13.2 cases. Appeals shall continue to be filed with the Coast Appeals Officer. The use of professional arbitrators shall be subject to review and continuation upon JCLRC agreement annually.”

- B. See Letter of Understanding – Discrimination Grievances, dated July 1, 2008 – Attached.

**INTERNATIONAL  
LONGSHORE &  
WAREHOUSE UNION**  
AFL-CIO



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Secretary-Treasurer

July 1, 2008

James C. McKenna  
President & CEO  
Pacific Maritime Association  
555 Market Street, 3rd Floor  
San Francisco, CA 94105

**LETTER OF UNDERSTANDING**  
**Discrimination Grievances**

Mr. McKenna:

During the course of the 2008 PCL&CA negotiations, the Parties agreed that CLRC letter dated November 6, 1985 regarding "Discrimination Grievances" is vacated.

Sincerely,

Robert McEllrath  
International President

Understanding confirmed:

James C. McKenna  
President & CEO  
Pacific Maritime Association

Dated: 7-28-08

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

**Meeting No. 22-09**

Time/Date: Thursday, December 10, 2009 at 10:00 a.m.

Place: Pacific Maritime Association  
555 Market Street, Third Floor  
San Francisco, CA 94105

Present: For the Union

B. McEllrath  
R. Familathe  
R. Ortiz, Jr.  
L. Sundet

For the Employers

J. McKenna  
S. Hennessey  
P. Bennett  
R. Forest  
J. Ochs  
A. Otto  
G. Lang  
J. Rosselle  
B. Stephens  
R. Marzano

Also Present: K. Donovan  
D. Gomez

**1. General**

**Pending:**

- a) PS-19-06 – Joint Request – 5 Individuals (K. L. Hardy (#61071); Elijah Graham (#81695); R. E. Miller (#60890); C. E. White (#60628); M. D. Edmunds (#60927) – Pay Shortage Claims – Tacoma (Local 23)

The Committee agreed that this referral was resolved. The claims were paid locally.

- b) PS-16-07 – Joint Request – Thomas Orth (#56912) – Issue of Pay to a Marine Clerk for Jury Duty (PCCCD) [Union Held Over – CLRC #15-09, Item 1(a); Union Held Over – CLRC #4-09, Item 1(a); Committee Held Over – CLRC #1-09, Item 1(a); CLRC #37-07, Item 1; Committee Held Over – CLRC #21-07, Item 10] – Seattle (Local 52)

Held over by the Union.

The Union disagreed that there was any stall or slowdown of the grievance machinery based on the number of regular meetings held in 2009. Critical issues were always dealt with through special meetings.

Held over by the Union.

qq) Section 13.2 Process – Employer Proposal Letter

The Employers questioned whether the Union had a response to the proposals in their Section 13.2 process letter. The Union stated that it is not prepared to respond at this time, but requested the Employers provide the Union with a list of possible candidates to serve on the proposed panel of arbitrators in each area.

The Employers stated that they would discuss the matter internally and get back to the Union with possible candidates.

Held over by the Committee.

rr) Union Complaint – Section 1.75 Application

The Union maintained a terminal operator in the Port of Seattle is failing to comply with Section 1.75. Specifically, the company is refusing to allow longshore division employees to plug or unplug on board the vessel for cold ironing purposes. The Union maintained that the new work negotiated in Section 1.75 is not restricted to the dock and that longshore workers must be permitted to perform the necessary plug/unplug on board the vessel.

Held over by the Employers.

ss) General Discussion – Supplement I Suspension (Transfers)

The Committee agreed that pursuant to its authority under the preamble of Supplement I, which gives the CLRC control over the administration of voluntary transfers within the coastwise bargaining unit, and pursuant to its "ultimate control" of the coastwise registration lists and its general authority to amend or modify existing rules, agreements and contractual provisions pursuant to Sections 8, 17 and 24 of the PCL&CA, a CLRC moratorium on all voluntary transfers under Supplement I would be imposed. The moratorium is necessitated by the following considerations:

First, the Committee notes that the Coast Parties have been in disagreement concerning the appropriate criteria that the JPLRCs may utilize when considering voluntary transfer requests. In particular, the Coast Parties remain in disagreement over the issue of "reciprocal transfers." It is inappropriate for the JPLRCs to act on voluntary transfer requests until the CLRC is able to resolve this dispute.

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

**Meeting No. 6-10**

Time/Date: Thursday, June 10, 2010 – 10:00 a.m.

Place: Pacific Maritime Association  
555 Market Street, Third Floor  
San Francisco, CA 94105

Present: For the Union

B. McEllrath  
R. Familathe  
L. Sundet

For the Employers

J. McKenna  
S. Hennessey  
R. Marzano  
J. Rosselle  
B. Stephens  
D. DelConte  
R. Forrest  
P. Bennett

Also Present: K. Donovan

**1. General**

**New:**

- a) PS-32-09 – Union Request – S. Miller (#61108) – Discrimination Under Section 13.3 – Tacoma (Local 23)

Held over by the Union.

- b) PS-42-09 – Employer Request – Appeal of Area Arbitration Award PSAA-0041-2009 – Tacoma (Local 23)

The Union noted that the referral was unilaterally submitted without benefit of even seeking the local's input. PSAA-011-2009 was an order to pay lost work opportunity claims. The Union was the moving party in this dispute. The Pacific Maritime Association has refused to comply with the order and in keeping with Section 17.57, have no standing to appeal.

The Employers disagreed and stated that under the terms of the Agreement (Ref. Section 17.261), any decision claimed by either party to conflict with the Agreement may be appealed to the CLRC. It is not uncommon for either party to appeal Area Arbitration awards dealing solely with the implementation of an underlying award. It is the Employers' position that the decision in this case, and the order of pay in PSAA-0041-2009, conflicts with the Agreement. The Employers advised the Union that for the

The Employers stated they would compile the information and provide that to the Union.

Held over by the Committee.

- y) NC-03-10 – Union Request – Union Appeal of Area Arbitration Award NCAA-0048-2009 – San Francisco Bay Area (Local 10)

Held over by the Employers.

- z) SC-39-09 – Union Referral – CWOg Payments to Clerks Under ADA Accommodation [Committee Held Over – CLRC #22-09, Item 1(m); Committee Held Over – CLRC #15-09, Item 1(k)] – Los Angeles/Long Beach (Local 63)

Held over by the Union.

- aa) SC-62-09 – Union Appeal of Area Arbitration SCAA-0011-2009 re Issue of What Payroll Week Valid CWOg Payment Shall be Made; Referred to CLRC for Resolution [Employer Held Over – CLRC #22-09, Item 1(n); Union Held Over – CLRC #15-09, Item 1(m)] – Los Angeles/Long Beach (Local 63)

Held over by the Union.

- bb) Section 13.2 Process – Employer Proposal Letter [Committee Held Over – CLRC #22-09, Item 1(qq)]

The Committee agreed to schedule a special CLRC meeting to address the Employers' proposal regarding the Section 13.2 process. Date of meeting to be determined.

- cc) Review of LA/LB Dispatch – ADA [Employer Held Over – CLRC #22-09, Item 1(ww)]

The Employers provided a letter dated June 10, 2010, outlining an Employer Proposal regarding dispatch in Los Angeles/Long Beach. The Employers further stated that this Committee should hold a special meeting to further address these issues regarding LA/LB dispatch.

Held over by the Union.

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

**Meeting No. 13-10**

Time/Date: Thursday, September 9, 2010 – 10:00 a.m.

Place: International Longshore and Warehouse Union  
1188 Franklin Street, Fourth Floor  
San Francisco, CA 94109

Present: For the Union

R. Ortiz, Jr.  
L. Sundet

For the Employers

J. Rosselle  
B. Stephens  
D. DelConte  
R. Forrest  
P. Bennett  
L. Bennett  
J. Ochs  
S. Hennessey  
R. Marzano

Also Present: K. Donovan

**General**

**New:**

1. SC-56-10 – Employer Appeal of Area Arbitration Award SCAA-004-2010 – YTI Tire Issue – Los Angeles/Long Beach (Local 13)

The Employers moved that the Union agree to vacate decision SCAA-004-2010. The local Employer in this case did not violate the Agreement, or prior arbitration decisions (ref. SCAA-051-2009 and C-005-2010), by having maintenance and repair work performed off-dock by other than ILWU workers. In this case, the Employer purchased new equipment, which is a permissible action under the Agreement.

The Union stated that it wished to investigate the underlying case further. The Union stated that a crucial issue in this case is the intent of the Employer when purchasing new tires and wheels. The Union agreed that the purchasing of new assembled equipment per se does not violate Section 1.7 of the PCLCD. However, the Union will investigate the matter further to ensure that the local Employer did not engage in a subterfuge to avoid its obligation to employ ILWU mechanics.

Held over by the Union.

Pending:

20. Employer Request – Implementation of Section 13.2 Arbitrators (ref. 2008 MOU, McKenna Letter Dated November 10, 2009, CLRC Mtg. No. 22-09, Item 1(qq), and CLRC Mtg. No. 6-10, Item 1(bb))

The Union noted that it requested the Employers to provide a list of possible candidates to serve on the proposed panel of arbitrators in each area. This request was made in CLRC Mtg. No. 22-09, Item 1(qq). To date the Union has not received the requested information.

The Employers stated that providing the Union with a list of candidates is possible, but unless and until the Parties agree on a process for selecting arbitrators and handling 13.2 claims and cases investigating possible arbitrators is secondary.

After further discussion, the Committee agreed that a special meeting will be conducted to discuss implementation.

21. PS-28-09 – Employer Request – CWOG Night and Day List Clerks [Committee Held Over – CLRC #6-10, Item 1(o); Employers Held Over – CLRC #22-09, Item 1(t)] – Tacoma (Local 23)

Held over by the Employers.

22. PS-31-09 – Union Request – David Ireland (#132063) – Reimbursement for Mechanic Training Course [Union Held Over – CLRC #6-10, Item 1(p); Union Held Over – CLRC #22-09, Item 1(v)] – Tacoma (Local 23)

Notwithstanding the request of Mr. Ireland, the Union inquired if local PMA offices would participate in local meetings to address and discuss mechanic training. The Union stated that the agreed-to mechanic training has not been functioning in the local areas and is a subject that must continue to be discussed and addressed in all areas.

The Employers stated that the local PMA area offices will be receptive and will agree to meet with the local unions to address mechanic training programs in each area.



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

**Meeting No. 32-11**

Time/Date: 10:00 a.m. – Thursday, December 15, 2011

Place: International Longshore and Warehouse Union  
1188 Franklin Street, Fourth Floor  
San Francisco, CA 94105

Present: For the Union

R. Familathe  
R. Ortiz, Jr.  
L. Sundet

For the Employers

J. Rosselle  
B. Stephens  
D. DelConte  
A. Otto  
G. Lang  
L. Bennett  
J. Ochs  
S. Hennessey  
R. Marzano

Also Present: K. Donovan

**General**

- I. NC-03-10 –Union Appeal of Area Arbitration Award NCAA-048-2009 [*Disagreement – CLRC #13-10, Item 33; Employers Held Over – CLRC #6-10, Item 1(y)*] – San Francisco Bay Area (Local 10)
- 

The Union stated that while this case has already reached disagreement, the Union wanted it noted in the record that the arguments in Area Award NCAA-048-2009 all dealt with the handling of stores. The Union maintained that while stores can be hand handled by the crew, the foodstuffs consumed by passengers are not stores, but cargo. Stores are provisions consumed by the vessel's crew. NCAA-048-2009 involved the handling of stores only. The question of foodstuffs consumed by the passengers was not arbitrated. Therefore, the Union would not pursue the appeal of NCAA-048-2009.

The Employers noted the Union's position on the matter.

Item closed.

2. Union Request [*Committee Held Over – CLRC #4-11, Item 2*] – MOTCO

The Committee noted that this item had been resolved locally.

Item closed.

X 3. Employer Request - 2008 MOU Section 13.2 Arbitrators

The Employers requested the Union position concerning the appointment and employment of professional, neutral arbitrators to hear Section 13.2 grievances, as agreed to during 2008 bargaining. The Employers referred to a letter outlining a proposed process from Jim McKenna to Bob McEllrath (Ref. Nov 10, 2009), as well as a list of candidates for positions in each Area provided by Coast Arbitrator John Kagel.

The Union stated that there are a number of issues that remain unresolved concerning Section 13.2 and until those issues are resolved internally between the Parties, appointing new Arbitrators would be counter-productive. The Parties first have to reach a clear understanding as to the application and scope of Section 13.2. The Union advised that it would send to the Employers a list of its issues and further agreed to schedule a special CLRC meeting to address those issues, as well as to discuss the employment of professional, neutral Section 13.2 Arbitrators, per the 2008 Letter of Understanding.

Held over by the Committee.

4. SC-07-11 – Joint Request – Alex Marinkovich, #38329 – Request for Reasonable Accommodations [*Employers Held Over – CLRC #4-11, Item 6*] – Los Angeles/Long Beach (Local 13)

The Committee agreed to move this matter to a special CLRC meeting and agreed to fully consider this issue no later than February 2012.

5. NC-53-10 – Union Request – Calculation of PGP Test Period – Section 20.42 [*Committee Held Over – CLRC #4-11, Item 7*] – Sacramento (Local 18)

The Committee noted that in the calculation of the PGP Test Period, per Section 20.43, steady employees are ineligible for PGP payments, and the hours earned by such employees working steady are not counted in the calculation.

Furthermore, the Test (Ref. PCLCD Section 20.42) in the Port of Sacramento shall be calculated separately for fully registered (Class A) and limited (Class B) registrations. For purposes of this Test, category and shift shall not be a factor requiring separate calculations.

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

**Meeting No. 01-13**

Time/Date: 11:00 a.m. – Thursday, January 10, 2013

Place: International Longshore and Warehouse Union  
1188 Franklin Street, Fourth Floor  
San Francisco, CA 94109

Present: For the Union

R. McEllrath  
R. Ortiz, Jr.  
L. Sundet

For the Employers

J. McKenna  
S. Lindsay  
J. Ochs  
B. Stephens  
B. Dreyfus  
P. Burgoyne  
D. DelConte  
M. Porte  
S. Hennessey  
N. Romanowski  
R. Marzano

Also Present: K. Donovan

**General**

**New:**

1. NC-32-12 – Employer Request – Marine Clerk Training

The Employers stated they will provide a document on clerk training procedures and protocols, which the Employers view to be a Coastwise training program. The Employers also stated they are in the process of gathering marine clerks' input on this matter from all four areas. The Employers maintained that it is vitally important to have qualified and trained clerks on the job to ensure efficiency and productivity on the waterfront.

The Union stated it would review the document when presented.

Held over by the Employers.

2. SC-26-12 – Employer Request – Appeal of SCAA-005-2012 – Employment of Gang Bosses – Port Hueneme (Local 46)

The Employers maintained the decision in this case was reached in error. As this operation has changed from a break-bulk to a container operation, the requirement to employ a

The Employers contend that the expanded record confirms there is no evidence of alleged discrimination by Ports America in violation of Section 13.3.

The Union maintained that based on the complete record of evidence and testimony, Ports America is guilty of discriminating against Mr. Trani and Ms. Sestich for Union activity.

Disagreement reached.

**Pending:**

8. Employer Request – Section 13.2 Arbitrators [*Union Held Over – CLRC #26B-12, Item 3; Committee Held Over – CLRC #10B-12, Item 7; Committee Held Over – CLRC #32-11, Item 3*]

The Employers provided a draft primer of Section 13.2 Special Grievance procedures and guidelines in effort to expedite the process of the Parties acting on securing non-industry special arbitrators to judge Section 13.2 cases as agreed to in 2008 bargaining. The Employers maintained that it was vitally important that this Committee take immediate action in securing and employing professional neutral arbitrators for Section 13.2 grievances. The Employers stated that the Union's lack of action in concluding this issue increasingly places the Parties at risk.

The Union stated it would review the document and respond subsequent to the meeting.

Held over by the Union.

9. CR-08-12 – Union Request – Appeal of CRAA-003-2012 – Lost Work Opportunity for a Supercargo [*Union Held Over – CLRC #26B-12, Item 8*] – Portland (Local 40)

Held over by the Union.

10. SC-83-12 – Joint Request – William Lundy #130723 – Appeal of 17.42 Decision [*Union Held Over – CLRC #26B-12, Item 10*] – Los Angeles/Long Beach (Local 13)

The Committee discussed the case as it related to its statute of limitations in the initial filing.

Held over by the Union.