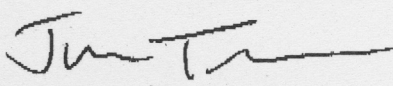


| UNITED STATES OF AMERICA  |   | DO NOT WRITE IN THIS SPACE  |   |
|---|---|---|---|
| NATIONAL LABOR RELATIONS BOARD  |   | Case  | Date filed                                |
| <b>SECOND AMENDED CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS</b>   |   | 19-CB-190139  | 3-29-2017                                 |
| INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.  |   |   |   |
| 1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT   |   |   |   |
| a. Name<br>ILWU LOCAL 19 and International Longshore and Warehouse Union  |   | b. Union Representative to Contact<br>Rich Austin & Robert McEllrath<br>Local President International President |   |
| c. Address<br>3440 E Marginal Way S, Seattle, WA 98134-1132<br>1188 Franklin Street, 4 <sup>th</sup> Floor, San Francisco, CA 94109   |   | d. Tel. No.<br>(206)623-7844  | e. International tel<br>(415) 775-0533    |
|   |   | f. Fax No.<br>(206)623-8136   | g. International Fax<br>(415) 775-1302    |
| h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.  |   |   |   |
| 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)   |   |   |   |
| <ul style="list-style-type: none"> <li>In around the last six months, seeking to enforce an unlawful contractual provision that states that the grievance procedure under the collective-bargaining agreement is the exclusive remedy for a dispute between the Union and any person working under the contract, and requires that the grievance procedure be exhausted before any other remedial method is sought.</li> <li>On about August 25 and 29, 2016, ILWU President Rich Austin told employees that they should not go outside the grievance process to resolve their disputes with the Union.</li> <li>On about September 15, 2016, ILWU President Rich Austin told employees that they have a sworn obligation to file grievances and not seek to resolve their complaints by filing charges with the NLRB.</li> <li>On about October 13, 2016, ILWU Local 19 President Rich Austin told employees in a membership meeting that they should abide by PCLCD §17.15, which states that the grievance procedure is the exclusive remedy for any dispute between the Union and any person working under the PCLCD, and that employees who file charges against the Union are attacking the Union.</li> </ul> |   |   |   |
| 3. Name of Employer<br>Pacific Maritime Association   |   | 4a. Tel. No.  | 4b. Cell No.                              |
|   |   | 4c. Fax No.<br>(206)298-3469  | 4d. e-Mail                                |
| 5. Location of Plant involved (street, city, state, and ZIP code)<br>301 W Republican St, Seattle, WA 98119-4008  |   | 6. Employer representative to contact<br>DOUG STEARNS   |   |
| 7. Type of Establishment (factory, mine, wholesaler)<br>Port of Seattle   | 8. Principal product or service<br>Stevedoring Services |   | 9. Number of Workers employed<br>200+     |
| 10. Full name of party filing charge<br>JIM TESSIER   |   | 11a. Tel. No.<br>(206)351-2742  | 11b. Cell No.                             |
|   |   | 11c. Fax No.<br>(206)257-4057   | 11d. e-Mail<br>laborrelations@comcast.net |
| 11. Address of party filing charge (street, city, state, and ZIP code)<br>2265 74TH AVENUE SE, MERCER ISLAND, WA 98040  |   |   |   |
| 12. DECLARATION   |   |   |   |
| I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.  |   |   |   |
| By:    |   | Tel No.   |   |
| JIM TESSIER<br>LABOR CONSULTANT   |   | (206)351-2742   |   |
| (signature of representative or person making charge)   |   | Print/type name and title or office, if any   |   |
|   |   | Cell No.  |   |
| Address:<br>2265 74TH AVENUE SE, MERCER ISLAND, WA 98040  |   | Date:<br>3/29/17  | Fax No.<br>(206)257-4057                  |
|   |   |   | e-Mail<br>laborrelations@comcast.net      |

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.