# UNITED STATES OF AMERICA

## NATIONAL LABOR RELATIONS BOARD

<table>
<thead>
<tr>
<th>Case</th>
<th>DO NOT WRITE IN THIS SPACE</th>
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<tbody>
<tr>
<td>19-CB-180139</td>
<td>3-29-2017</td>
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## SECOND AMENDED CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS

### 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

<table>
<thead>
<tr>
<th>a. Name</th>
<th>b. Union Representative to Contact</th>
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<tbody>
<tr>
<td>ILWU LOCAL 19 and International Longshore and Warehouse Union</td>
<td>Rich Austin &amp; Robert McEllrath Local President International President</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>c. Address</th>
<th>d. Tel. No.</th>
<th>e. International tel</th>
</tr>
</thead>
<tbody>
<tr>
<td>3440 E Marginal Way S, Seattle, WA 98134-1132 1188 Franklin Street, 4th Floor, San Francisco, CA 94109</td>
<td>(206)623-7844</td>
<td>(415) 775-0533</td>
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<th>f. Fax No.</th>
<th>g. International Fax</th>
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<tr>
<td>(206)623-8136</td>
<td>(415) 775-1302</td>
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### 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)

- 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.
- 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.
- On about September 15, 2016, ILWU President Rich Austin told employees that they have an sworn obligation to file grievances and not seek to resolve their complaints by filing charges with the NLRB.
- On about October 13, 2016, ILWU Local 19 President Rich Austin told employees in a membership meeting that they should abide by PCLCDO §17.15, which states that the grievance procedure is the exclusive remedy for any dispute between the Union and any person working under the PCLCDO, and that employees who file charges against the Union are attacking the Union.

### 3. Name of Employer

Pacific Maritime Association

### 4. Tel. No.

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<tr>
<th>4a. Tel. No.</th>
<th>4b. Cell No.</th>
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### 5. Location of Plant involved (street, city, state, and ZIP code)

301 W Republican St, Seattle, WA 98119-4008

### 6. Employer representative to contact

DOUG STEARNS

### 7. Type of Establishment (factory, mine, wholesaler)

Port of Seattle

### 8. Principal product or service

Stevedoring Services

### 9. Number of Workers employed

200+

### 10. Full name of party filing charge

JIM TESSIER

### 11. Address of party filing charge (street, city, state, and ZIP code)

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:  

JIM TESSIER  

LABOR RELATIONS CONSULTANT

Tel No.

(206)351-2742

(signature of representative or person making charge)

Printtype name and title or office, if any

Call No.

Fax No.

(206)257-4057

e-Mail

laborrelations@comcast.net

Date:  

3/29/17

Address:

2265 74TH AVENUE SE, MERCER ISLAND, WA 98040

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

Disclosure of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 157 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 use 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.