

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

**INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION, LOCAL 19 and
INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION (Pacific Maritime
Association)**

and

JIM TESSIER, an Individual

PACIFIC MARITIME ASSOCIATION

and

JIM TESSIER, an Individual

Case No. 19-CB-190139

Case No. 19-CA-195788

**RESPONDENT INTERNATIONAL LONGSHORE AND WAREHOUSE UNION's
ANSWER TO CONSOLIDATED COMPLAINT**

Respondent **INTERNATIONAL LONGSHORE AND WAREHOUSE UNION**,
("ILWU"), by its attorneys, answers the Consolidated Complaint in this matter as follows:

1. Respondent ILWU denies the allegations contained in Paragraphs 1(a) through (d) of the Complaint with respect to alleged service of the charges on Respondent LOCAL 19 and Respondent PACIFIC MARITIME ASSOCIATION (PMA) based on lack of information and personal knowledge by Respondent ILWU. Otherwise, Respondent ILWU admits the allegation in Paragraph 1(c) with respect to the filing of the specified charge against ILWU and service of same on it, denying all other allegations therein.

2. Respondent ILWU denies the allegations in Paragraphs 2 (a) and (b) because, as written, they contain an incomplete statement of the pertinent facts therein and therefore are

misleading and factually inaccurate. Respondent ILWU admits the allegations in Paragraphs 2 (c), (d) and (e).

3 Respondent ILWU admits the allegations in Paragraph 3 (a) and (b) of the Complaint.

4. Respondent ILWU admits the allegations contained in Paragraphs 4 (a), (b) and (c), excepts alleges that Ray Ortiz, Jr. is incorrectly named as “Roy Ortiz, Jr.,” that Respondent ILWU lacks sufficient information to know whether Craig Epperson is a “former” rather than “current” Senior Vice President of Respondent PMA; and that the correct spellings for the following officials of Respondent Local 19 are: Kurt Harriage instead of “Kurt Heritage,” Robert Dalzel instead of “Robert Denzel,” and Paul Washbrekke instead of “Paul Wasbrekke.”

5. Respondent ILWU denies the allegations contained in Paragraph 5 (a) of the Complaint on the grounds that they incorrectly describe the nature and scope of the West Coast longshore bargaining unit, which, as accurately described, constitutes an appropriate bargaining unit within the meaning of § 9(b) of the Act. Respondent ILWU denies the allegations in Paragraphs 5 (b) and (c) of the Complaint on the grounds that they incorrectly describe the exclusive bargaining representative as well as the nature and scope of the appropriate bargaining unit under representation herein.

6. Respondent denies the allegations contained in Paragraphs 6.

7. Respondent ILWU lacks sufficient information and belief to adequately respond to and therefore on such basis denies the allegations contained in Paragraphs 7 (a) through (e), inclusive, of the Complaint.

8. Respondent denies the allegations in Paragraphs 8 through 11, inclusive, of the Complaint.

9. With respect to the claim for remedies, Respondent denies that any of them are appropriate or warranted.

RESPONDENT ILWU’s AFFIRMATIVE DEFENSES

1. The Complaint fails to state a proper claim for violation of the Act.

2. The second amended charge in Case 19-CB-190139, the charge in Case No. 19-CA-195788 and the related allegations in the Complaint challenging the legality of certain provisions of Section 17 of the Pacific Coast Longshore Contract Document (PCLCD) are time barred under Section 10(b) of the Act because such contract provisions have been in place for several decades and well-known to the Board and the General Counsel without prior challenge.

3. The contract provision quoted in paragraph 6 of the Complaint (but incorrectly designated as “Section 17.5”) is facially lawful, has existed for decades for entirely lawful and legitimate reasons, and has not been applied in a manner that violates the Act.

WHEREFORE, Respondent ILWU prays that the Consolidated Complaint be dismissed in its entirety.

Dated: June 7, 2017

INTERNATIONAL LONGSHORE
AND WAREHOUSE UNION

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