

October 19, 2018

To: Todd Amidon

From: Jim Tessier

Re: Assault of Local 23 Business Agent/Labor Relations Committee member Mike Kennedy

At 2:30 pm, on September 13, 2018, Union Business Agent/Labor Relations Committee member, Mike Kennedy, was assaulted by Local 23 member Charles Jones, right in front of the Local 23 Dispatch Hall.

Mike Kennedy is disabled and unable to defend himself, and Charles Jones knew this when he punched Mike in the head several times before being pulled off by 2 B-men who came to Mike's aid.

Mike drove himself to the hospital and was checked in due to a brain bleed caused by being punched in the head.

Charles also followed the 2 B-men who pulled him off back into the Dispatch Hall and threatened them with violence.

Dean McGrath, Local 23 President did nothing, including not reporting the incident to Labor and Industries as required by WAC 296-800-32005, thus creating a hazard for every longshoreman using the Dispatch Hall.

Attached is a text sent to me by a Local 23 member the day after the assault, and a copy of the Labor and Industries complaint I filed.

Attached are minutes from the Tacoma JPLRC meeting held on September 20th and September 27th. For some reason both meetings are in 1 set of Minutes, so it is difficult to see the order that the assault UCs were actually processed.

Rickey Epstein is the B-man that pulled Charles off Mike. She and her husband, the other B-man, appeared at the September 20th meeting after receiving a phone call from the Union requesting their presence to discuss the Complaints they filed.

The JPLRC, mostly Jarod Faker, questioned both B-men in great detail as to the assault and what happened in the Dispatch Hall afterword.

Yesterday, Rickey and her husband appeared again at the Tacoma JPLRC, based on the attached cite letter telling her Charles filed assault charges against her, but they did not receive a copy of the UC as is standard procedure for Employer Complaints.

What kind of dog and pony show are you running?

Also in the Tacoma JPLRC Minutes there are 2 hostile work environment Union Complaints filed by 1 worker against another.

What kind of letter would you write to a worker, "in accordance with Section 17.125 of the PCLCD?"

Did he violate the JPLRC's duty?

And, since when are hostile work environment claims based on "personal matters" "not under the purview of the Committee?"

Did you forget to tell Tacoma and Seattle about CLRC #21-12, item 3?

"According to the plain language of Section 17.81, only the Employers have standing to file a complaint under Section 17.81.

Individuals seeking redress for a physical altercation with another worker that is not otherwise covered by Section 13.2 may complain to the Employers (or the Union may complain to the Employers on the individual's behalf), The Employers should reasonably investigate the allegation and, if sufficient probable case is determined, the Employers should file and prosecute a complaint under Section 17.81."

If you do not step up and do the right thing on this, Board charges will be filed.

A handwritten signature, possibly of the sender, is located below the text "If you do not step up and do the right thing on this, Board charges will be filed."

cc: Mark Arbesfeld – NLRB Office of Appeals (Case 19-CB-198235)

MINUTES OF REGULAR LRC MEETING
JOINT PORT LABOR RELATIONS COMMITTEE
TACOMA, WASHINGTON

9/20/18

The Committee met at 9:00 a.m. at ILWU Local 23, 1306 Alexander Avenue E, Fife, WA 98424.

Present:	<u>Employers</u> S. Bassett W. Brebner J. Bunch I. Campbell L. Jacobson G. Kagey L. Laferrierie T. Musselman M. Outland J. Weber K. Snell M. Wohrle N. Russ	<u>ILWU Local 23</u> T. Bailey C. Baratti J. DiMaggio J. Faker B. Graber D. Mc Grath J. Stagg
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PORT REGISTRATION LIST

ADDITIONS

NO.	NAME	STATUS	EFFECTIVE
61870	Joshua C Velasco Cariaga	Advancement to Class A	05/05/18

DELETIONS

NO.	NAME	STATUS	EFFECTIVE
60662	David E Sanderson	Regular/Other Pension	09/01/18
60701	Charles W Stover	Regular/Other Pension	09/01/18
60727	David J Reda	Regular/Other Pension	09/01/18
60979	Ernest D Blackburn	Regular/Other Pension	09/01/18
61357	Al Davis	Regular/Other Pension	09/01/18

APPROVED VISITORS

NO.	NAME	FROM	EFFECTIVE
133034	Anastasia C Punchard	Local 13, LA/LB	09/15/18 - 10/13/18
57523	Foster Jones	Local 13, LA/LB	09/15/18 - 10/13/18
27372	Shane D Schindler	Local 29, San Diego	09/15/18 - 10/13/18
82729	Gary D Moore	Local 8, Portland	09/15/18 - 10/13/18
90420	Justin L McGary	Local 4, Vancouver	09/15/18 - 10/13/18

GENERAL BUSINESS

PORT TRANSFER LIST REQUEST - 10/15/15 - GB-0004-2015 - (SEE MTG. WATA-0041, 0052-2015 & 0001, 0004, 0007, 0024, 0029, 0038, 0044, 0046, 0051, 0057, 0065, 0074-2016 & 0005, 0011, 0017, 0019, 0020, 0024, 0027, 0029, 0033, 0034, 0037, 0042-2017 & 0004, 0007, 0008, 0009, 0013, 0016, 0018 & 0019-2018)

#131-18 UC-0005-2018 - FOSS LINE SVC - PAY SHORTAGE CLAIM - LINES - J. SWEARINGEN, #8345704 - 08/03/18 - 1ST SHIFT

The Union submitted a pay shortage claim on behalf of Mr. Jeremy Swearingen, #8345704, stating he was shorted 2ST hours on August 3, 2018.

The Employers held over the matter.

#132-18 UC-0030-2018 - GRIEVANCE 1650 - R. EPSTEIN, #230070 AGAINST C. JONES, #61036 - PHYSICAL ASSAULT OR ALTERCATION, CREATING A HOSTILE WORK ENVIRONMENT - 09/13/18 - 1ST SHIFT

The Committee noted receipt of a grievance filed by Ms. Ricky Jo Epstein, #230070, against Mr. Charles Jones, #61036, grieving an incident that occurred on September 13, 2018.

Ms. Epstein appeared before the Committee, made her statements, answered questions and was excused.

Mr. Charles Jones, #61036, appeared before the Committee to advise that he needed additional time before formally appearing before the Committee to make his statements.

The Committee noted the grievance remains under investigation and held over the matter.

#133-18 UC-0031-2018 - GRIEVANCE 1654 - M. KENNEDY, #60753 AGAINST C. JONES, #61036 - PHYSICAL ASSAULT OR ALTERCATION, CREATING A HOSTILE WORK ENVIRONMENT - 09/13/18 - 1ST SHIFT

The Committee noted receipt of a grievance filed by Mr. Michael Kennedy, #60753, against Mr. Charles Jones, #61036, grieving an incident that occurred on September 13, 2018.

The Committee agreed to cite Mr. Kennedy, #60753, and Mr. Jones, #61036, to appear before the Committee at the next regularly scheduled meeting of the Tacoma Longshore Joint Port Labor Relations Committee and held over the matter.

#134-18 UC-0032-2018 - GRIEVANCE 1656 - C. JONES, #61036 AGAINST R. EPSTEIN, #230070 - PHYSICAL ASSAULT OR ALTERCATION - 09/13/18 - 1ST SHIFT

The Committee noted receipt of a grievance filed by Mr. Charles Jones, #61036, against Ms. Ricky Jo Epstein, #230070, grieving an incident that occurred on September 13, 2018.

The Committee agreed to cite Mr. Jones and Ms. Epstein to appear before the Committee at the next regularly scheduled meeting of the Tacoma Longshore Joint Port Labor Relations Committee and held over the matter.

#135-18 UC-0033-2018 - GRIEVANCE 1655 - C. JONES, #61036 AGAINST B. EPSTEIN, #230117 - PHYSICAL ASSAULT OR ALTERCATION - 09/13/18 - 1ST SHIFT

The Committee noted receipt of a grievance filed by Mr. Charles Jones, #61036, against Mr. Benjamin Epstein, #230117, grieving an incident that occurred on September 13, 2018.

The Committee agreed to cite Mr. Jones and Mr. Epstein to appear before the Committee at the next

regularly scheduled meeting of the Tacoma Longshore Joint Port Labor Relations Committee and held over the matter.

#136-18 UC-0034-2018 - GRIEVANCE 1652 - M. BLUE, #61911 AGAINST S. MOORE, #61074 - CREATING A HOSTILE WORK ENVIRONMENT - 09/11/18 - 1ST SHIFT

The Committee noted receipt of a grievance filed by Mr. Martin Blue, #61911, against Mr. Sean Moore, #61074, for an incident that occurred at the roadability station on September 11, 2018.

Mr. Blue and Mr. Moore appeared before the Committee, made their statements, answered questions and were excused.

The Committee agreed to issue Mr. Moore a letter, in accordance with Section 17.125 of the PCLCD. - 2

Item Closed.

#137-18 UC-0035-2018 - GRIEVANCE 1651 - J. NEBEL, #61767 AGAINST S. MOORE, #61074 - CREATING A HOSTILE WORK ENVIRONMENT - 09/13/18 - 1ST SHIFT

The Committee noted receipt of a grievance filed by Mr. Jason Nebel, #61767, against Mr. Sean Moore, #61074, for an incident that occurred on September 12, 2018.

Mr. Nebel and Mr. Moore appeared before the Committee, made their statements, answered questions and were excused.

The Employers stated the incident involving the two above listed individuals is a personal matter and is not under the purview of the Committee. 7
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The Union noted the statement.

Item closed.

#138-18 UC-0036-2018 - GRIEVANCE 1645 - PACIFIC MARITIME ASSOCIATION - MISCELLANEOUS - F. BARNES, #61299 - 08/30/18

The Union submitted a grievance on behalf of Mr. Floyd Barnes, #61299, seeking reinstatement to the Crane Training Program.

The Committee agreed to cite Mr. Barnes to appear before the Committee at the next regularly scheduled meeting of the Tacoma Longshore Joint Port Labor Relations Committee and held over the matter.

#139-18 UC-0037-2018 - PACIFIC MARITIME ASSOCIATION - PAY SHORTAGE CLAIM - TAC - S. BEARER, #61286 - 22-JUN-2018 - 1ST SHIFT

The Union submitted a pay shortage claim on behalf of Mr. Shawn Bearer, #61286, stated he was shorted 16ST hours on June 21 and 22, 2018.

The Employers held over the matter.

#140-18 UC-0038-2018 - JONES STEVEDORING - WA - PAY SHORTAGE CLAIM - TERMINAL 7 (BERTHS A,B AND C) - J. SIMMONS, #61073 - 07/03/18 - 2ND SHIFT

The Union submitted a pay shortage claim on behalf of Mr. John Simmons, #61073, stating he was shorted 8ST and 2OT hours, on July 3, 2018.

The Employers held over the matter.

#141-18 UC-0039-2018 - JONES STEVEDORING - WA - PAY SHORTAGE CLAIM - TERMINAL 7 (BERTHS A,B AND C) - J. SIMMONS, #61073 - 07/03/18 - 2ND SHIFT

The Union submitted a pay shortage claim on behalf of Mr. John Simmons, #61073, stating he was shorted 8ST and 2OT hours, on July 3, 2018.

The Employers held over the matter.

#142-18 UC-0040-2018 - GRIEVANCE 1647 - C. JONES, #61036 AGAINST M. KENNEDY, #60753 - PHYSICAL ASSAULT OR ALTERCATION, MISCELLANEOUS - 09/13/18

The Committee noted receipt of a grievance filed by Mr. Charles Jones, #61036, against Mr. Michael Kennedy, #60753, grieving an incident that occurred on September 13, 2018.

The Committee agreed to cite Mr. Jones and Mr. Kennedy to appear before the Committee at the next regularly scheduled meeting of the Tacoma Longshore Joint Port Labor Relations Committee and held over the matter.

#143-18 UC-0041-2018 - SSA TERMINALS - PAY SHORTAGE CLAIM - NORTH STAR - TOTEM OCEAN TRAILER EXPRESS - A. ZUCHLEWSKI, #61842 - 07/25/18 - 2ND SHIFT

The Union submitted a grievance on behalf of Ms. Alitza Zuchlewski, #61842, stating she was shorted 8ST and 1OT hour on July 25, 2018.

The Employers held over the matter.

#144-18 UC-0042-2018 - MAIN LINES INC - PAY SHORTAGE CLAIM - HYUNDAI TACOMA - WASHINGTON UNITED TERMINALS - S. WELFRINGER, #61359 - 07/30/18 - 2ND SHIFT

The Union submitted a grievance on behalf of Mr. Scott Welfringer, #61359, stating he was shorted 2OT hours on July 30, 2018.

The Employers held over the matter.

#145-18 UC-0043-2018 - GRIEVANCE 1648 - C. JONES, #61036 AGAINST D. BUTORAC, #60610 - CREATING A HOSTILE WORK ENVIRONMENT - PIERCE COUNTY TERM (EVERGREEN) - 09/08/18 - 1ST SHIFT

The Committee noted receipt of a grievance filed by Mr. Charles Jones, #61036, against Mr. Dragan Butorac, #60610, grieving an incident that occurred on September, 08, 2018.

The Employers stated Mr. Butorac is a foreman and the grievance will be forwarded to the Foremen's Labor Relations Committee.

The Committee agreed to cite Mr. Jones to appear before the Committee at the next regularly scheduled meeting of the Tacoma Longshore Joint Port Labor Relations Committee and held over the matter.

#146-18 UC-0044-2018 - GRIEVANCE 1649 - C. JONES, #61036 - PHYSICAL ASSAULT OR ALTERCATION, CREATING A HOSTILE WORK ENVIRONMENT - B. EPSTEIN, #230117 - 09/13/18

The Committee noted receipt of a grievance filed by Mr. Benjamin Epstein, #230117, against Mr. Charles Jones, #61036, grieving an incident that occurred on September 13, 2018.

The Committee agreed to cite Mr. Epstein and Mr. Jones to appear before the Committee at the next regularly scheduled meeting of the Tacoma Longshore Joint Port Labor Relations Committee and held

over the matter.

#147-18 UC-0045-2018 - PACIFIC MARITIME ASSOCIATION - PAY SHORTAGE CLAIM - ILWU LOCAL 23 - 08/20/18 - 1ST SHIFT

The Union submitted a pay shortage claim, stating mechanics were shorted training pay on August 20 and 21, 2018.

The Employers held over the matter.

#148-18 UC-0046-2018 - JONES STEVEDORING - WA - PAY SHORTAGE CLAIM - TERMINAL 7 (BERTHS A,B AND C) - J. SIMMONS, #61073 - 07/06/18 - 2ND SHIFT

The Union submitted a pay shortage claim on behalf of Mr. John Simmons, #61073, stating he was shorted 8ST and 2OT hours, on July 6, 2018.

The Employers held over the matter.

#149-18 UNION ENTRY - TRAINING REQUEST - C. TOOHEY #61956 - 08/31/18 - UR-0024-2018

The Committee noted receipt of a request from Mr. Chris Toohey, #61956, requesting retraining in the strad program.

The Employers held over the matter.

#150-18 UNION ENTRY - VACATION PAY CLAIM - K. HOOK #61455 - 08/02/18 - UR-0025-2018

The Union submitted a vacation pay claim on behalf of Mr. Kelly Hook, #61455.

The Employers held over the matter.

#151-18 UNION ENTRY - CRANE REINSTATMENT REQUEST - F. REICHL #60904 - 08/08/18 - UR-0026-2018

The Committee noted receipt of documentation from Mr. Frank Reichl, #60904, regarding EC-0012-2017.

The Committee held over the matter.

#152-18 EC-0006-2018 - A. JONES, #2103499 - DAMAGE TO COMPANY PROPERTY, DISREGARD OF EMPLOYER'S INTEREST, SAFETY VIOLATIONS - MATSON TACOMA - SSAT - SSA MARINE INC - WA - 09/12/18 - 1ST SHIFT

Employer Complaint No. 06-18 has been filed against Mr. Artis Jones, #2103499, who was dispatched as a SKILLED HOLDMAN on the 1st shift of September 12, 2018, against the MATSON TACOMA at SSAT, for SSA MARINE, for Damage to Company Property, Disregard of Employer's Interest, PCMSC Violation.

Mr. Jones appeared before the Committee, made his statements, answered questions and was excused.

The Committee found Mr. Artis guilty and agreed to assess him a penalty of seven (7) days off all work (first offense), in accordance with the Tacoma Conditions of Casual Employment, noting he will be on no dispatch to all work from October 6, 2018 to October 13, 2018.

Hi Jim , got some Serious News ! yesterday Sept 13th , approx. 2:30 pm Mike Kennedy was assaulted by Charles Jones c/o on the street in front of Local 23 . Mike had handled a situation where Charles aka (Chuck) got fired on 9-8-18 . But Mike got him his Days pay but that wasn't good enough it was a 2-3 day job and he wanted to get payed all the days the ship worked. (EG) I will mention Charles is Black Male why I mention that he keep yelling at Mike he was part of the Good old BOYS club and I know it's going to turn into a racist thing !! Since 9-8-18 Chuck has been calling and harassing Mike , so said time Mike was driving out of the parking lot when Chuck was yelling at Mike so Mike pulled over to talk to him when Chuck hit him, Mike yell (Chuck what are you doing when he hit him again so Mike figure to stop him hitting him he dove for his legs to get him down but Chuck got another hit in then got him in a headlock all the hits where to the Head and the DR. said he's never seen HEMATOMA to brain this bad without being hit with a club ! He's still in the Hospital !! . When 2 members showed up to stop him. So you know Mike ran for the BA's job because of injuries on the job his necked is very fragile and he has very little use of his right arm. The man is disable ! So love to see how old Dean-O handles this because Mike fucked up their Little Click when he Beat out Dave Basher it's been a struggle for Mike basically no help from these Dick Heads ! Dean showed up and yell what the Hell's wrong with you guys but NEVER called the

Cops or Medics . Mike drove himself !!! Theirs a Pres. that
takes care of his Members ???

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