

July 16, 2023

General Counsel
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Attention: Office of Appeals

Re: Case 19-CB-289496

ILWU Local 23 and Pacific Maritime Association maintain and operate a Joint Dispatch Hall In the Port of Tacoma, Washington, in accordance with sections 17.11 and 17.121 of the PCLCD. (Attachment A-1)

All decisions related to additions and/or deletions from the lists of workers eligible to be dispatched through the Joint Dispatch Hall are recorded in Joint Port Labor Relations Committee meeting minutes. Pacific Maritime Association is the keeper of records and write and disseminate the JPLRC Minutes.

The JPLRC minutes have been determined to be Joint Dispatch Hall records in past cases, which is why the settlements in the first two cases provided 2 years of unredacted JPLRC Minutes and a kiosk in the dispatch hall which allowed workers to read and get copies of any Minutes they were interested in, without being required to justify their interest or being required to depend on the Union to do the research. (Attachments A-2, A-3 and A-4)

Joint Dispatch Hall users were entitled to review any and all JPLRC Minutes and get copies, in unredacted form, as a result of these prior decisions, in the same way they are able to review any other dispatch records related to the Local 23 Joint Dispatch Hall, because the Minutes contain no personal confidential information.

In the case under appeal the charging party, Mark Vasilkiv, participated in the August 20, 2018, random draw for potential processing toward unidentified casual status in the Port of Tacoma. (Attachment A-5)

Mark's card was drawn and he was informed that he would be contacted in writing when it was his time to be scheduled for his orientation.

Mark heard nothing, received no letter, and was waiting as instructed until he was on a social website and saw some chatter about others being processed. He reached out to Local 23 to ask about being scheduled for orientation, got no response and ended up calling Pacific Maritime Association where he talked to a man named Keith Snell who told him that the JPLRC had mailed him a letter scheduling his orientation.

Mark told Keith he had not received any letter and Keith said he should file a request for reinstatement with the Joint Port Labor Relations Committee , which he did immediately. (Attachment A-6)

The Joint Port Labor Relations Committee scheduled him for a hearing on December 15th which he attended. Mark explained to those present that he had not received his orientation letter. They asked a couple of questions and dismissed him. They did not say anything about the green card, which they presented to the NLRB, even though they were aware he was claiming he never got his letter. The those running the meeting did not present the card to him or question him about the initials that the Union claims prove he received the letter.

Mark received a letter from the JPLRC denying his request for reinstatement, but giving him no reason for their denial. Mark filed a second letter requesting reconsideration and he was denied again, without any explanation. (Attachment A-7)

Around this time Mark called me and asked if I could help him. I worked for Pacific Maritime Association for 9 years. I am familiar with the JPLRC procedures and wrote the JPLRC Minutes for the Port of Tacoma when I worked at PMA. I recommended to Mark that he request the JPLRC Minutes from his hearing as they would contain the reason his request for reinstatement was denied.

Mark went to Local 23 to request the JPLRC Minutes associated with his request for reinstatement to see if they contained the reason his request was denied. Mark also requested Minutes involving other casual reinstatement requests. When Mark went to the union to request the minutes he was told by the secretary that he was not entitled to receive the Minutes.

Mark filed a charge related to the Union's refusal to provide the requested hiring hall records.

While the NLRB was investigating his charge Local 23 sent him some excerpts from some JPLRC meetings, but there was no Minutes from the meeting he attended on December 15, 2021, and no mention of his claim that he never received his orientation letter. (Attachments A-8, A-9, A-10, A-11)

Mark showed me what the Union provided. What they show is disturbing. They are undated excerpts from JPLRC meetings documenting other casual requests for reinstatement. In some cases the casual was reinstated and in other cases their requests were denied, but the information provided was basically useless because it contained no details, no facts, and no reason for basis of the request and no explanation why they were granted. They show completely arbitrary decisions.

I wrote JPLRC Minutes for 9 years while employed by PMA. They are the keeper of the JPLRC Joint Dispatch Hall records and PMA writes and distributes the JPLRC Minutes

for every JPLRC covered by the PCLCD. JPLRC Minutes are designed to contain the basic facts related to the business being conducted by the Committees. The JPLRC Minutes excerpts provided to Mark do not contain any facts, and no basis for the actions taken by the Committee related to the granted casual requests for reinstatement.

The Minutes are hiring hall records used to control access to the dispatch lists under the purview of the JPLRC. They are a record of the facts related to any and all additions and/or deletions from the list of workers eligible for dispatch from the ILWU/PMA Joint Dispatch Halls.

After seeing the Minutes that Mark was given I contacted an Employer member of the Tacoma JPLRC and asked him if he could provide me with the JPLRC Minutes which contain Marks request for reinstatement. He provided a document that showed there was a meeting on December 15th which was not a JPLRC Meeting but rather a pre-meeting, which is not attended by all the Committee members, where no decisions are made. The actual JPLRC Meeting was on December 16th, where it is claimed that Mark appeared before the Committee. A bold faced lie. (Attachment A-12)

I provided the Employer member a copy of the Minutes showing Adelle Carter's request for reinstatement and asked if he could tell what reason she gave and the basis for her reinstatement, he said that he could not. He said that for some time PMA has not been recording the reasons or the basis for the decisions, by design. (Attachment A-8)

When I asked him about Mark's request he said he never heard that Mark claimed he did not receive the letter. All he was told by PMA was that Mark's request was untimely.

I asked him if Mark had shown up and told the Committee that he never received the letter, would it have been possible that he would have been reinstated. He said yes, the Employers would likely have taken him at his word and moved for him to be reinstated.

The Region was informed of this information and did not feel the need to call either me or the Employer member of the JPLRC.

After getting the excerpts from the Union, Mark submitted another request for details of the minutes from the appeal of P Amigud (A-9) wherein they identify 20 individuals who submitted casual requests for reinstatement and show that the Committee agreed to reinstate 8 of those casuals. Mark's request was refused in writing in a letter from Jared Faker dated August 23, 2022, in which Jared claims Mark has been provided "all examples of similar appeals adjudicated during this round of casual processing which began on August 20th of 2018." (Attachment A-13)

Jared Faker's claim is a bold faced lie, as evidenced by the JPLRC Minutes documenting the request for reinstatement submitted by O Islas who appeared and claimed he never received his letter and the Union requested that he be reinstated. The Employers agreed, and he was reinstated. (Attachments A-14, A-15)

The Minutes showing Faker is a liar were provided by a ILWU member who has been receiving unredacted JPLRC Minutes since the NLRB charges he filed in 2004 and 2005 which resulted in a settlement postings. (A-2, A-3) He was provided 2 years of unredacted Minutes and a kiosk was set up in the Hall where anyone could access unredacted JPLRC Minutes.

The Region was informed of this information and did not feel the need to call either me or the ILWU member.

I filed a form 4701 and subpoenaed the PMA keeper of records as they write the JPLRC Minutes to question them about the lack of reasons given for reinstatement requests and the claim by the Union that the Minutes contain personal and confidential information, and I subpoenaed the Employer member of the Tacoma JPLRC who was at the December 16, 2021 Meeting.

The proposed Settlement Agreement that we declined to participate in will the 7th Settlement that I have been involved with regarding Local 23's refusal to provide JPLRC Minutes, going back to 2004.

The Region was not interested in even knowing about how many prior Settlements there were and could not explain how the 7th was going to effectuate the purposes of the National Labor Relations Act where the first 6 did not.

The 6 prior cases related to the failure of Local 23 to provide JPLRC Minutes are as follows:

- 19-CB-9106 (Attachment A-1)
- 19-CB-9269 (Attachment A-3)
- 19-CB-217670 (Attachment A-4)
- 19-CB-175084 (Attachment A-16)
- 19-CB-198689 (Attachment A-17)
- 19-CB-252776 (Attachment A-18)

The fact that the Joint Dispatch Hall records are not valid or accurate related to the reasons given for requests for reinstatement or the basis for making additions and/or deletions from the Dispatch lists, and the fact that the Union is lying about what information they are providing to Dispatch Hall users related to how similarly situated workers are being treated, is not consistent with effectuating the purposes of the Act.

Please refer this charge back to the Region for further processing in a manner that is consistent with effectuating the purposes of the Act.

Sincerely,



Jim Tessier
Attachments (18)

level. The purpose of the committees will be to ob-
est of the men in accident prevention by making them realize
that they have a part in the program, to direct their attention to
the real causes of accidents and provide a means for making
practical use of the intimate knowledge of working conditions
and practices of the men on the job. It is further intended that
this program will produce mutually practical and effective rec-
ommendations regarding corrections of accident-producing
circumstances and conditions.

SECTION 17

JOINT LABOR RELATIONS COMMITTEES, ADMINISTRATION OF AGREEMENT, AND GRIEVANCE PROCEDURES

17.1 Joint Labor Relations Committees.

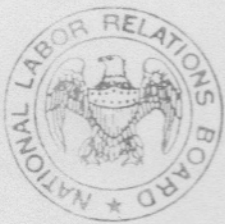
17.11 The parties shall establish and maintain, during the
life of this Agreement, a Joint Port Labor Relations Commit-
tee for each port affected by this Contract Document, 4 Joint
Area Labor Relations Committees, and a Joint Coast Labor
Relations Committee. Each of said Labor Relations Commit-
tees shall be comprised of 3 or more representatives designated
by the Union and 3 or more representatives designated by the
Employers. Each side of the committee shall have equal vote.

17.12 The duties of the Joint Port Labor Relations Com-
mittee shall be:

17.121 To maintain and operate the dispatching hall.

17.122 To exercise control of the registered lists of the
port, as specified in Section 8.3.

17.123 To decide questions regarding rotation of gangs
and extra men.



NOTICE TO MEMBERS

A-2

POSTED PURSUANT TO A SETTLEMENT AGREEMENT
APPROVED BY A REGIONAL DIRECTOR OF THE
NATIONAL LABOR RELATIONS BOARD
AN AGENCY OF THE UNITED STATES GOVERNMENT

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join or assist any union;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT in any manner interfere with the exercise of the foregoing rights and more specifically;

WE WILL NOT fail and refuse to timely provide users of our hiring hall with relevant information;

WE WILL timely provide users of our hiring hall with relevant information, including JPLRC's minutes.

**INTERNATIONAL LONGSHORE AND WAREHOUSE
UNION, LOCAL 23**

Date: 8/18/04

By: [Signature]
(Representative)

Att.
(Title)

19-CB-9106

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlr.gov.

FORM NLRB-4723
(11-97)

NOTICE TO MEMBERS



POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL DIRECTOR OF THE NATIONAL LABOR RELATIONS BOARD

AN AGENCY OF THE UNITED STATES GOVERNMENT
FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join or assist a union
- Choose representatives to bargain with us on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities

WE WILL NOT in any manner interfere with the exercise of the foregoing rights by our employees and more specifically;

WE WILL NOT fail or refuse to timely provide users with access to and copies of the JPLRC meeting minutes for the Port of Tacoma.

WE WILL upon request, timely provide hiring hall users with access to and copies of the JPLRC meeting minutes.

International Longshore and Warehouse Union, Local 23
(Union)

By:

(Title)

Date:

6/8/05

Case 19-CB-9268

The National Labor Relations Board is an Independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlr.gov.

915 Second Ave., 29th Floor
Seattle, WA 98174

Telephone: (206) 220-8300
Hours of Operation: 8:15 a.m. to 4:45 p.m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE BOARD'S OFFICE,

2848 Jackson Federal Building, 915 Second Avenue
Seattle, Washington 98174. Telephone: (206) 220-8300

TOTAL P. 03



NOTICE TO EMPLOYEES AND MEM

A-4

POSTED PURSUANT TO A SETTLEMENT AGREEMENT
APPROVED BY A REGIONAL DIRECTOR OF THE
NATIONAL LABOR RELATIONS BOARD
AN AGENCY OF THE UNITED STATES GOVERNMENT

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with your employer on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT fail to timely provide unredacted copies of JPLRC minutes requested by employee members when those records contain hiring hall referral information that would assist the employee members in ascertaining whether they are being treated unfairly.

WE WILL provide Eunice Palmer with unredacted JPLRC minutes from October 2017 through January 2018 within 14 days of the approval of this Agreement by the Regional Director.

WE WILL NOT in any like or related manner restrain or coerce you in the exercise of your rights under Section 7 of the Act.

ILWU LOCAL 23
(Labor Organization)

Dated: _____

By: _____
(Representative) (Title)

Case 19-CB-217670

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlr.gov and the toll-free number (844)762-NLRB (6572).

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE.

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S COMPLIANCE OFFICER.

915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Telephone: (206)220-6300
Hours of Operation: 8:15 a.m. to 4:45 p.m.

A-5

**ILWU/PMA JOINT DISCLAIMER
PORT OF TACOMA CASUAL PROCESSING LIST**

Attached is the List of those selected in the **August 20, 2018** random draw for potential processing toward Unidentified Casual status in the Port of Tacoma. The List shall be maintained as a source for casual acquisition in Tacoma for three years, term to begin on establishment and posting of the List on the PMA website. Any names remaining on the List after the three year period shall be voided and purged from the process. In future processes, individuals shall have no rights to consideration based on prior inclusion on the List but shall be afforded equal opportunity with others to apply should a new list be established. Those to whom processing may be offered will be contacted if and when they will be offered testing for potential casual work. Candidates who satisfy all screening and testing requirements will become eligible for placement on the Unidentified Casual List from which longshore work is dispatched. **Make sure you read and understand the full Disclaimer stated below.**

Submitting an online application, having an application selected in a draw, having an application sequenced and placed on a posted List, being contacted for testing/processing, and the stated procedures for casual processing do not offer or guarantee processing, employment or continued employment, particular procedures (including testing or retesting) or promotion. No reliance should be placed upon any of these steps, none of which forms a contract or creates any binding obligations upon PMA or ILWU towards you. The parties to the governing collective bargaining agreement (the "Pacific Coast Longshore Contract Document," PCLCD), through the Joint Labor Relations Committees ("LRCs") may, by joint agreement and in their discretion, at any time without notice, change or revoke the procedures for hiring, promotion, and employment in the longshore industry.

Anyone placed on a List may be disqualified from processing, employment, continued employment etc., and lose all opportunity for dispatch privileges or continued dispatch privileges in the industry, if s/he is found for any reason to have been ineligible for processing. Disqualification may occur at any time, before or after the draw, after placement on a List or initiation of processing, or thereafter (regardless of whether Unidentified Casual, Identified Casual or Registration status had already been achieved) for reasons such as failing to follow all the directions given for properly submitting an application to the draw. This means, for example, that if someone submitted more than one application to the draw and that is discovered after his/her name is placed on a processing List, s/he can still be disqualified from employment in the industry, without any consequences to the PMA or ILWU. Casual longshore processing and any casual longshore employment may be terminated at any time for any reason as determined by the LRCs. Those selected for processing must comply with all required procedures, as they may change from time to time. Applicants are responsible for keeping the Joint Port Labor Relations Committee advised of their current contact information in writing as referenced below. Any disputes or claims about any aspect of this casual processing program must be in writing and received by the JPLRC within ten (10) days of the source of the complaint at:

Tacoma JPLRC – Casual Processing Grievance
P.O. Box 9348
Seattle, WA 98109-9348

No extensions. LRC decisions on grievances are final and binding.

This Processing List will be posted for thirty days through the PMA website (PMANET.ORG).

Tacoma JPLRC - Casual Processing Grievance
P.O. Box 9348
Seattle WA 98109

A-6

Mark Vasilkiv
ILWU Local #23 Casual Lottery Draw
#736
206-229-6949

Dear ILWU #23,

I recently found out after doing deep research online through a reddit blog post that my numbers in the casual lottery draw were selected and invited for an orientation on May 26th of this year. This was a couple months ago. I never received a notification for example an email, or a letter in the mail inviting me for this orientation. I also never received a disqualification letter in the mail after not showing up to the orientation. I've talked to one of your team members on the phone about the situation and was told that this happens frequently. He told me to fill out this letter for an appeal for my disqualification. I am very interested and want the opportunity to attend the next orientation to show my commitment to becoming an unidentified casual. I understand you guys usually only solve cases ten days after the incident, but there was no way for me to know there was an incident in that ten day period since I never received a letter to come for orientation or a letter saying I missed it. I still wouldn't have even known I missed my orientation if I didn't find that blog post on reddit. I'm very interested and want my opportunity to be an unidentified casual and don't want to miss out on this great opportunity just because of a postal issue that was out of our hands which happens frequently because of covid. I hope you guys give me an opportunity, and allow me to come in to explain my case in this situation. I look forward to hearing back from you. Thank you.

Sincerely,

Mark Vasilkiv.

Tacoma JPLRC - Casual Processing Grievance
P.O Box 9348
Seattle WA 98109

Mark Vasilkiv
ILWU Local #23 Casual Lottery Draw
#736
206-229-6949

Dear ILWU #23,

I came in last month on December 15th for a cite for a grievance about me never receiving a letter for my orientation back in may 2021. I came to the meeting, and explained my side of never receiving the letters and I found out that I got denied my appeal. For me this doesn't make any sense because it was out of my control. I know how great this opportunity is and I got drawn for it. I want my opportunity. In the cite meeting I stated that months ago after I found out, I waited a day or two before contacting you guys about the situation. I got questioned by the committee as to why I waited. Those two days of me waiting was to figure out what to do, and who to reach because I didn't know who to contact and to be sure that I was actually selected. The only way I found out about being selected was through a reddit post which I can provide to you guys as proof. I'm writing this letter because I want to come back before the committee and know the reason for this and also explain more detail why I deserve this chance. I was selected, and I want my opportunity to be eligible as an unidentified casual worker. I don't want to lose this chance just because some letters didn't come in. It honestly from my side just doesn't seem fair, especially hearing from Kieth that people don't always get the letters, but they still can get in. There was no way for me to know when it happened, because I don't get a phone call, an email, nothing. I'm prepared to come back and sit through that cite again all day just to make my case even if I get denied again. Please consider this because I have a clean record and know I'm a committed person who just feels done wrong by the mail. Thank you guys for reading and I look forward to hearing back from you and an opportunity to come back.

Sincerely,

Mark Vasilkiv.

A-8

#204-21 CASUAL PROCESSING APPEAL - ADELLE CARTER, #976 - 09/08/21 - OC-0045-2021 -
(SEE MTG. WATA-0060 & 0072-2021)

Ms. Adelle Carter, #976, appeared before the Committee, made her statements, answered questions and was excused.

The Committee agreed to grant Ms. Carter's casual processing appeal and to place her back into Orientation during the next scheduled event.

Item closed.

A-9

#99-20 CASUAL PROCESSING APPEAL - P. AMIGUD - 10/30/20 - OC-0011-2020 - (SEE MTG. WATA-0052, 0055-2020 & 0002-2021)

The Employers provided the data regarding appeals, stating there have been 22 casual processing appeals from the 2018 process group, of which six (6) appeals were denied due to individuals who failed to appear; four (4) appeals were denied as untimely; two (2) individuals appeared and were ultimately denied; and eight (8) individuals have been reinstated. The Employers stated that they were agreeable to granting the Casual Processing Appeal from Mr. Amigud without precedence, and to place him back into Orientation at the next scheduled event. The Employers went on to state there were mitigating circumstances in this case and that the Employers are not relinquishing the standing practice or positions taken in the JPLRC minutes from 2005 to present as it relates to mailing and casual processing.

The Union noted the Employers statement.

The Committee agreed to grant Mr. Amigud's casual processing appeal on a one (1)-time, non-precedent setting basis, and to place her back into casual processing orientation at the next scheduled event.

A-10

#86-22 CASUAL PROCESSING APPEAL - J. JOHNSON, #1148 - 02/18/22 - OC-0019-2022 - (SEE MTG. WATA-0021-2022)

Mr. Jamal Johnson, #1148, appeared before the Committee, made his statements, answered questions and was dismissed.

The Committee agreed to grant Mr. Johnson's casual processing appeal and to place him back into Casual Processing Orientation during the next scheduled event.

Item closed.

A-11

#160-21 CASUAL PROCESSING APPEAL - J. RUPERT, #761 - 06/25/21 - OC-0028-2021 - (SEE MTG. WATA-0037-2021)

Mr. Jeremy Rupert, #761 appeared before the Committee, made his statements, answered questions and was excused.

The Committee agreed to grant Mr. Rupert's casual processing appeal and to place him back into

November 18, 2021

A-12

#339-21 CASUAL PROCESSING APPEAL - MARK VASILKIV, #736 - 10/22/21 - OC-0098-2021

The Committee noted receipt of a Casual Processing Appeal from Mr. Mark Vasilkiv, #736 appealing his disqualification from the Tacoma Entry Level Process for failing to appear at Orientation on May 26, 2021.

The Committee agreed to cite Mr. Vasilkiv to the next regularly scheduled JPI RC meeting and held over the matter.

December 15, 2021

Casual Processing Appeal

NAME	Draw #	Item#	NOTES: Appeal not timely
Mark Vasilkiv	#736	#339-21	Appealing removal from CP for failing to appear at Orientation on 5/26/21

December 16, 2021

#339-21 CASUAL PROCESSING APPEAL - MARK VASILKIV, #736 - 10/22/21 - OC-0098-2021 -
(SEE MTG. WATA-0091-2021)

Mr. Mark Vasilkiv, #736, appeared before the Committee, made his statements, answered questions and was excused.

The Committee noted that Mr. Vasilkiv's request was not timely and agreed to deny his casual processing appeal.

Item closed.

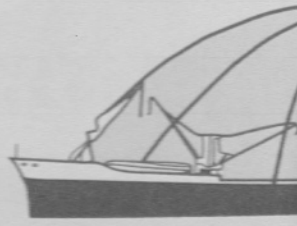
International
Longshore and
Warehouse Union

LOCAL 23

(253) 383-2468

1306 ALEXANDER AVE. E.

FIFE, WASHINGTON 98424



A-13

August 23, 2022

Dear Mr. Vasilkiv,

In regards to your information request dated 8/2/22 for "positions taken in the JPLRC minutes..." the requested information was previously provided to you on 6/9/22 and includes all examples of similar appeals adjudicated during this round of casual processing which began on August 20th of 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared Faker".

Jared Faker,

President

ILWU Local 23

October 16, 2019
October 17, 2019

WATA-0045-2019

A-14

Item closed.

#167-19 CASUAL PROCESSING APPEAL - J. GRAHAM, #3032831 - 09/18/19 - OC-0050-2019 - (SEE MTG. WATA-0042-2019)

Ms. Jacque Graham, #3032831, appeared before the Committee, made her statements, answered questions and was excused.

The Committee agreed to grant Ms. Graham's casual processing appeal and to place her back into the Clerk Cognitive and Keyboard test at the next scheduled event.

Item closed.

#168-19 CASUAL PROCESSING APPEAL - O. ISLAS - 08/27/19 - OC-0050-2019 - (SEE MTG. WATA-0042-2019)

Mr. Oscar Islas appeared before the Committee, made his statements, answered questions and was excused. Mr. Islas stated that he retrieved his letter from the Post Office on August 21, only to realize that his Orientation was scheduled for August 20.

The Employers stated that it is not the responsibility of the Committee to ensure that individuals are retrieving their mail in a timely manner and therefore Mr. Islas' appeal should be denied.

The Union stated that these types of appeals have always been granted in the past and this instance should be no different.

The Employers held over the matter.

#169-19 CASUAL PROCESSING APPEAL - M. BRADEN, #3637630 - 09/18/19 - OC-0051-2019 - (SEE MTG. WATA-0042-2019)

Mr. Maguire Braden, #3637630, appeared before the Committee, made his statements, answered questions and was excused.

The Committee agreed to deny Mr. Braden's casual processing appeal.

Item closed.

#170-19 CASUAL PROCESSING APPEAL - A. AUGKHOPINEE, #5863484 - 09/05/19 - OC-0052-2019 - (SEE MTG. WATA-0042-2019)

Mr. Anthony Augkhopinee, #5863484, appeared before the Committee, made his statements, answered questions and was excused.

The Committee agreed to grant Mr. Augkhopinee's casual processing appeal and to place him back

A-15

The Committee held over the matter.

#168-19 CASUAL PROCESSING APPEAL - O. ISLAS - 08/27/19 - OC-0050-2019 - (SEE MTG. WATA-0042, 0045 & 0050-2019)

The Employers stated that they were agreeable to granting the Casual Processing Appeal from Mr. Oscar Islas without precedence, and to place him back into Orientation at the next scheduled event. The Employers went on to state there were mitigating circumstances in this case and that the Employers are not relinquishing the standing practice or positions taken in the JPLRC minutes from 2005 to present as it relates to mailing and casual processing.

The Union noted that statement.

Item closed.

#182-19 EC-0040-2019 - C. FAKER, #61577 - INSUBORDINATION, DISREGARD OF EMPLOYER'S INTEREST, FAILURE TO WORK AS DIRECTED - MOL CELEBRATION - TERMINAL 4 (HUSKY) - P4 - WEST COAST TERMINAL AND STEVEDORE, INC. - 09/24/19 - 2ND SHIFT - (SEE MTG. WATA-0045 & 0050-2019)

The Union held over the matter.

#192-19 UC-0033-2019 - PACIFIC MARITIME ASSOCIATION - PAY SHORTAGE CLAIM - C. ELLIS, #230131 - 09/02/19 - 1ST SHIFT - (SEE MTG. WATA-0045 & 0050-2019)

The Employers stated that the claim was payable and would be processed in PP 2-20.

The Union noted the statement.

Item closed.

#197-19 EC-0042-2019 - M. MOSTROM, #61434 - FAILURE TO SHOW OR CALL REPLACEMENT, DISREGARD OF EMPLOYER'S INTEREST - YM UNISON - TERMINAL 4 (HUSKY) - WEST COAST TERMINAL AND STEVEDORE, INC. - 11/03/19 - 2ND SHIFT - (SEE MTG. WATA-0050-2019)

The Union stated that Mr. Matt Mostrom, #61434, was found guilty and given one (1) week off all work, to be served from January 4, 2020 through January 10, 2020.

The Employers noted the penalty.

Item closed.



NOTICE TO EMPLOYEES AND MEMB

POSTED PURSUANT TO A SETTLEMENT AGREEMENT
APPROVED BY A REGIONAL DIRECTOR OF THE
NATIONAL LABOR RELATIONS BOARD

AN AGENCY OF THE UNITED STATES GOVERNMENT

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with your employer on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT fail or refuse to provide users of our dispatch hall with access to and copies of requested JPLRC minutes as per our normal procedure.

WE WILL NOT fail and refuse to refer users of our exclusive dispatch hall for arbitrary or discriminatory reasons.

WE WILL NOT discriminate against nonmembers Karey Martinez and Robert Jefferson in the operation of our exclusive dispatch hall by refusing to refer them for employment.

WE WILL upon request, provide users of our dispatch hall with access to and copies of the JPLRC minutes as per our normal procedure.

WE WILL remove from our files any reference to our 6-month suspensions of Karey Martinez and Robert Jefferson from our dispatch hall that we imposed in 2016 and thereafter notify them in writing that this has been done and that their suspensions will not be used against them in any way by Local 23.

ILWU Local 23
(Labor Organization)

Dated: _____

By: _____
(Representative) (Title)

Case 19-CB-175084

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlr.gov and the toll-free number (866) 667-NLRB (6572).

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE.

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S COMPLIANCE OFFICER.

915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Telephone: (206)220-6300
Hours of Operation: 8:15 a.m. to 4:45 p.m.



NOTICE TO EMPLOYEES AND MEMB

POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
AN AGENCY OF THE UNITED STATES GOVERNMENT

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose representatives to bargain on your behalf with your employer;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT fail or refuse to promptly provide users of our dispatch hall with access to and copies of requested JPLRC minutes.

WE WILL NOT in any like or related manner restrain or coerce you in the exercise of the rights listed above.

WE WILL upon request, provide users of our dispatch hall with access to and copies of the JPLRC minutes.

INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 23

(Labor Organization)

Dated: _____ By: _____
(Representative) (Title)

Cases: 19-CB-175084 & 19-CB-198689

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlr.gov and the toll-free number (844) 762-NLRB (6572).



THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE.

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S COMPLIANCE OFFICER.

915 Second Ave., 29th Floor
Seattle, WA 98174

Telephone: (206) 220-6300
Hours of Operation: 8:15 a.m. to 4:45 p.m.



A-18

NOTICE TO EMPLOYEES AND MEMBERS

**POSTED PURSUANT TO A SETTLEMENT AGREEMENT
APPROVED BY A REGIONAL DIRECTOR OF THE
NATIONAL LABOR RELATIONS BOARD**
AN AGENCY OF THE UNITED STATES GOVERNMENT

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with your employer on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT restrain or coerce you in the exercise of the above rights.

WE WILL NOT refuse to provide those who use our dispatch hall with information needed for them to determine if they are being fairly.

WE WILL provide Lea R. Savoy with copies of JPLRC minutes from October 25, 2017 through October 25, 2019 that contain any reference to crane training, with redactions only as to:

- Confidential human resources information, where an employee has requested or been told the information will remain private, or where an employee has a reasonable expectation that it will remain private; and
- Health and/or medical information.

WE WILL NOT in any like or related manner restrain or coerce you in the exercise of your rights under Section 7 of the Act.

International Longshore and Warehouse Union Local 23
(Labor Organization)

Dated: _____

By: _____
(Representative) (Title)

Case 19-CB-252776

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlr.gov and the toll-free number (844)762-NLRB (6572).

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE CENTRALIZED COMPLIANCE UNIT AT complianceunit@nlrb.gov.

Patricia Ramirez, Compliance Assistant
Telephone: (206)220-6288