

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
DIVISION OF ADMINISTRATIVE LAW JUDGES**

INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION, LOCAL 19  
(SSA TERMINALS, LLC)

and

Case 19-CB-186889

KAREY MARTINEZ, an Individual

INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION, LOCAL 19  
(PACIFIC MARITIME ASSOCIATION)

and

Case 19-CB-224117

JAMES TESSIER, an Individual

**JOINT MOTION TO INCLUDE IN, AMEND, AND CORRECT THE  
INDEX AND DESCRIPTION OF FORMAL DOCUMENTS**

Counsel for the General Counsel files this joint motion on behalf of all parties to this matter in order to include in, amend, and correct the Index and Description of Formal Documents ("Index") orally presented at hearing before Administrative Law Judge Eleanor Laws on October 15, 2019. Accordingly, this motion seeks to include and properly identify in General Counsel Exhibit 1 and have the Index reflect the following documents:

- **GC Exhibit 1(m):** Amended Complaint and Notice of Hearing in Case 19-CB-186889, dated January 8, 2018.
- **GC Exhibit 1(n):** Answer to Amended Complaint in Case 19-CB-186889, dated January 23, 2018.
- **GC Exhibit 1(q):** Complaint and Notice of Hearing in Case 19-CB-186889, dated September 26, 2017.
- **GC Exhibit 1(r):** Answer to Complaint in Case 19-CB-186889, dated October 10, 2017

- **GC Exhibit 1(s):** Amended Answer to Complaint in Case 19-CB-186889, dated October 11, 2017.

As this is a joint motion, all parties in the above matter join the General Counsel and agree to the General Counsel's motion to include in, amend, and correct the Index and Description of Formal Documents. Upon the granting of this motion, copies of the corrected Index and General Counsel Exhibit 1 shall be provided to the Court Reporter for their inclusion in the record.

**DATED** at Seattle, Washington this 16<sup>th</sup> day of October, 2019.

/s/ RICHARD C. FIOL

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Richard C. Fiol, Counsel for the General Counsel  
National Labor Relations Board, Region 19  
2948 Jackson Federal Building  
915 Second Avenue  
Seattle, Washington 98174

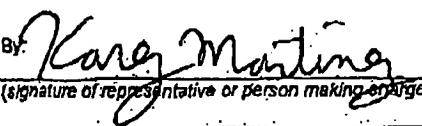
## INDEX AND DESCRIPTION OF FORMAL DOCUMENTS

**ILWU, LOCAL 19 (SSA TERMINALS, LLC), ET AL.**

**Cases: 19-CB-186889 & 19-CB-224117 - Page 1 of 1**

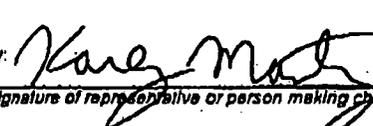
- |                                      |      |   |
|--------------------------------------|------|---|
| <b>GENERAL COUNSEL'S EXHIBIT NO.</b> | 1(a) | International Longshore and Warehouse Union Local 19's Motion for Consent Order, dated September 27, 2019   |
|                                      | 1(b) | Order to Show Cause, dated October 1, 2019  |
|                                      | 1(c) | Charging Party's Response to Motion for Consent Order, dated October 3, 2019  |
|                                      | 1(d) | General Counsel's Response to the Administrative Law Judge's Order to Show Cause, dated October 4, 2019   |
|                                      | 1(e) | Order Approving Request for Partial Withdrawal of Charge 19-CB-186889 and Dismissing Corresponding Allegation from Consolidated Complaint, dated October 10, 2019 |
|                                      | 1(f) | Prehearing Conference Summary, dated October 9, 2019  |
|                                      | 1(g) | Order Opening Hearing, dated October 10, 2019   |
|                                      | 1(h) | International Longshore and Warehouse Union Local 19's Motion to Modify Consent Order, dated October 14, 2019   |
|                                      | 1(i) | Charge 19-CB-186889, dated October 21, 2016   |
|                                      | 1(j) | First Amended Charge 19-CB-186889, dated September 5, 2017  |
|                                      | 1(k) | Charge 19-CB-224117, dated July 20, 2018  |
|                                      | 1(l) | First Amended Charge 19-CB-224117, dated August 13, 2018  |
|                                      | 1(m) | Amended Complaint and Notice of Hearing in Case 19-CB-186889, dated January 8, 2018   |
|                                      | 1(n) | Answer to Amended Complaint in Case 19-CB-186889, dated January 23, 2018  |
|                                      | 1(o) | Amended Order Consolidating Cases 19-CB-186889 and 19-CB-224117, Consolidated Complaint and Notice of Hearing, dated June 11, 2019                                |

- 1(p) Respondent International Longshore and Warehouse Union Local 19's Answer to Amended Order Consolidating Cases, and Consolidated Complaint
- 1(q) Complaint and Notice of Hearing in Case 19-CB-186889, dated September 26, 2017
- 1(r) Answer to Complaint in Case 19-CB-186889, dated October 10, 2017
- 1(s) Amended Answer to Complaint in Case 19-CB-186889, dated October 11, 2017
- 1(t) Index and Description of Formal Documents

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD		DO NOT WRITE IN THIS SPACE	
		Case	Date filed
		19-CB-186889	10-21-2016
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 International Longshore and Warehouse Union, Local 19		b. Union Representative to Contact President Rich Austin	
c. Address 3440 E Marginal Way S., Seattle, WA 98134		d. Tel. No. Local 19 208-823-7844	e. Cell No.
		f. Fax No.	g. e-Mail
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), 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)			
Since about June 25, 2016, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to represent Karey Martinez in his pay shortage claim for arbitrary or discriminatory reasons or in bad faith.			
Since on about September 23, 2016, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to provide Karey Martinez with copies of the JPLRC minutes and Local 19 membership meeting minutes in an unredacted format.			
3. Name of Employer SSA Terminals		4a. Tel. 208-823-0304	4b. Cell No.
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) Port of Seattle		6. Employer representative to contact Wade Garret	
7. Type of Establishment (factory, mine, wholesaler) Stevedoring Services Provider	8. Principal product or service Stevedoring		9. Number of Workers employed 200+
10. Full name of party filing charge Karey Martinez		11a. Tel. No. (206)852-1062	11b. Cell No. (206)850-1215
		11c. Fax No.	11d. e-Mail kareymartinezlocal19@gmail.com
11. Address of party filing charge (street, city, state, and ZIP code) 13036 SE Kent Kangley Rd, #332, Kent, WA 98030-7971			
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:  (signature of representative or person making charge)		Karey Martinez, Individual Print/type name and title or office, if any	Tel No. (206)852-1062
			Cell No. (206)850-1215
Address: 13036 SE Kent Kangley Rd, #332, Kent, WA 98030-7971		Date: Oct 21 2016	Fax No.
			e-Mail kareymartinezlocal19@gmail.com

**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.

UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed 10/21/18
<b>FIRST AMENDED CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS</b>		19-CB-186889	1st AMD: 9-5-2017
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.			
<b>1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT</b>			
a. Name ILWU LOCAL 19		b. Union Representative to Contact RICH AUSTIN PRESIDENT	
c. Address 3440 E Marginal Way S, Seattle, WA 98134-1132		d. Tel. No. (206)623-7844	e. Cell No.
		f. Fax No. (206)623-8136	g. e-Mail
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) Since in around September 2016, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to provide Karey Martinez with copies of the JPLRC minutes and Local 19 membership meeting minutes in an unredacted format.			
3. Name of Employer SSA MARINE		4a. Tel. No. 206-623-0304	4b. Cell No.
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 1131 SW Klickitat Way, Seattle, WA 98134-1108		6. Employer representative to contact Wade Garrett	
7. Type of Establishment (factory, mine, wholesaler) Stevedoring Services Provider	8. Principal product or service Stevedoring		9. Number of Workers employed 200+
10. Full name of party filing charge Karey Martinez		11a. Tel. No. (206)852-1062	11b. Cell No. (206)850-1215
		11c. Fax No.	11d. e-Mail kareymartinezlocal19@gmail.com
11. Address of party filing charge (street, city, state, and ZIP code) 13036 SE Kent Kangley Rd. #332, Kent, WA 98030-7971			
<b>12. DECLARATION</b>			
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.	
(signature of representative or person making charge)		Karey Martinez	(206)852-1062
		Print/Type name and title or office, if any	Cell No. (206)850-1215
Address: 13036 SE Kent Kangley Rd, #332, Kent, WA 98030-7971		Date: 9/5/2017	Fax No.
			e-Mail kareymartinezlocal19@gmail.com

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

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UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST LABOR ORGANIZATION  
OR ITS AGENTS

DO NOT WRITE IN THIS SPACE	
Case 19-CB-224117	Date Filed 7/20/2018

INSTRUCTIONS: File an original with NLRB Regional Director for 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 International Longshore and Warehouse Union (ILWU), Local 19		b. Union Representative to contact Rich Austin, President	
c. Address (Street, city, state, and ZIP code) 3340 E. Marginal Way S, Seattle, WA 98134		d. Tel. No. 206-623-7844	e. Cell No.
		f. Fax No. 206-623-8136	
		g. e-mail irc1@ilwulocal19.org	
h. The above-named labor organization has engaged in and is engaging in unfair labor practices within the meaning of section 8(b), subsections (1) and (1st subsections) (A) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor 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)  On or about June 25, 2018, Union member Karey Martinez requested that the Union provide him with the following information: (1) his employer complaint history for the previous 5 years; and (2) all minutes in reference to his not securing a replacement in December 2017. Since that time, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to provide the requested information set forth above.			
3. Name of Employer Pacific Maritime Association (PMA)		4a. Tel. No. (206) 298-3434	b. Cell No.
		c. Fax No. (206) 298-3469	
		d. e-mail	
5. Location of plant involved (street, city, state and ZIP code) 301 W Republican St Seattle, WA 98119		6. Employer representative to contact Douglas E. Stearns, Assistant Area Manager	
7. Type of establishment (factory, mine, wholesaler, etc.) Longshore work / employer agent	8. Identify principal product or service longshore work		9. Number of workers employed 1,000+
10. Full name of party filing charge Jim Tessler, Labor Consultant			
11. Address of party filing charge (street, city, state and ZIP code) 2265 74th Ave SE, Mercer Island, WA 98040		11a. Tel. No.	b. Cell No. 206-351-2742
		c. Fax No. 206-257-4057	
		d. e-mail laborrelations@comcast.net	
12. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.    (Signature of representative or person making charge)		Tel. No.	
Jim Tessler, Labor Consultant  (Print type name and title or office, if any)		Cell No. 206-351-2742	
		Fax No. 206-257-4057	
Address 2265 74th Ave SE, Mercer Island, WA 98040		e-mail laborrelations@comcast.net	
		Date 7-20-2018	

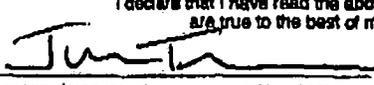
WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Collection 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 may cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
1st Amended CHARGE AGAINST LABOR ORGANIZATION  
OR ITS AGENTS

DO NOT WRITE IN THIS SPACE	
Case 19-CB-224117	Date Filed 7-20-2018 1st Amd: 8-13-2018

INSTRUCTIONS: File an original with NLRB Regional Director for 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 ILWU Local 19		b. Union Representative to contact Rich Austin	
c. Address (Street, city, state, and ZIP code) 3440 East Marginal Way South Seattle, WA 98134		d. Tel. No. 206 623-7844	e. Cell No.
		f. Fax No. 206 623-8136	
		g. e-mail [ro]@ilwulocal19.org	
h. The above-named labor organization has engaged in and is engaging in unfair labor practices within the meaning of section 8(b), subsections (1) and (1st subsection) (A) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor 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)			
On or about June 25, 2018, Karey Martinez requested the above named labor organization provide him with all JPLRC Minutes in reference to his not securing a replacement in December 2017.			
On or about July 27, 2018, respondent left Karey a message that his requested Minutes were available.			
The Minutes respondent provided were 2 pages of heavily redacted minutes from the February 1, 2018, JPLRC Meeting.			
3. Name of Employer Pacific Maritime Association		4a. Tel. No. 206 298-3434	b. Cell No.
		c. Fax No. 206 298-3469	
		d. e-mail	
5. Location of plant involved (street, city, state and ZIP code) 301 West Republican, Seattle, WA 98119		6. Employer representative to contact Doug Stearns	
7. Type of establishment (factory, mine, wholesaler, etc.) Employer Agent	8. Identify principal product or service Longshore labor	9. Number of workers employed 1000+	
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		11a. Tel. No.	b. Cell No. 206 351-2742
		c. Fax No. 206 257-4057	
		d. e-mail laborrelations@comcast.net	
12. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No.	
 (Signature of representative or person making charge)		Cell No. 206 351-2742	
Labor Consultant (Print/type name and title or office, if any)		Fax No. 206 257-4057	
Address 2265 74th Avenue SE, Mercer Island, WA 98040		e-mail laborrelations@comcast.net	
		Date 8/13/2018	

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

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

**INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION, LOCAL 19  
(SSA TERMINALS, LLC)**

**and**

**Case 19-CB-186889**

**KAREY MARTINEZ, an Individual**

**AMENDED COMPLAINT AND NOTICE OF HEARING**

A Complaint and Notice of Hearing issued in the above-captioned matter on September 26, 2017, based on a charge filed by Karey Martinez, an Individual ("Charging Party"). This Amended Complaint and Notice of Hearing is issued pursuant to § 10(b) of the National Labor Relations Act (the "Act"), 29 U.S.C. § 151 *et seq.*, and § 102.15 of the Rules and Regulations of the National Labor Relations Board (the "Board"), and alleges that against International Longshore and Warehouse Union, Local 19 ("Respondent"), herein identified by its correct name, has violated the Act as described below.

1.

(a) The charge in this proceeding was filed by the Charging Party on October 21, 2016, and a copy was served on Respondent by U.S. mail on October 25, 2016.

(b) The first amended charge in this proceeding was filed by the Charging Party on September 5, 2017, and a copy was served upon Respondent by U.S. mail on September 7, 2017

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**GC Exhibit: 1(m)**

2.

(a) At all material times, SSA Terminals, LLC ("SSA"), herein identified by its correct name, has been a State of Delaware limited liability company with an office and place of business in Seattle, Washington, and has been engaged in the operation of marine terminals and providing stevedore services.

(b) In conducting its operations described above in paragraph 2(a) during the past 12 months, a representative period, SSA derived gross revenues in excess of \$500,000.

(c) In conducting its operations described above in paragraph 2(a) during the past 12 months, a representative period, SSA provided services valued in excess of \$50,000 directly to customers located outside the State of Washington.

(d) At all material times, SSA has been an employer engaged in commerce within the meaning of §§ 2(2), (6) and (7) of the Act.

3.

Respondent, is and has been, at all material times, has been a labor organization within the meaning of § 2(5) of the Act.

4.

At all material times, the following individuals held the positions set forth opposite their respective names and have been agents of Respondent within the meaning of § 2(13) of the Act:

Rich Austin	-	Local President
Jerome Johnson	-	Night Business Agent
Kurt Harriage	-	Day Business Agent

Robert Dalzel - Dispatcher  
Justin Hirsch - Labor Relations Committee Member  
Ryan Lenz - Labor Relations Committee Member  
Paul Wasbrekke - Labor Relations Committee Member

5.

(a) At all material times, the Pacific Maritime Association ("PMA") has been an organization composed of various employers, including SSA, in California, Oregon, and Washington operating as steamship companies, stevedore contractors, and marine terminal operators, that represents its member employers in negotiating and administering collective-bargaining agreements with various labor organizations, including the International Longshore and Warehouse Union ("ILWU") and its locals, including Respondent.

(b) At all material times, by virtue of § 9(a) of the Act, Respondent has been the exclusive collective-bargaining representative of the following employees of the PMA member employers employed at the Port of Seattle (the "Unit"):

All employees performing work described in and covered by "Section 1 of This Contract Document and Assignment of Work to Longshoremen" of the collective-bargaining agreement between Respondent and the PMA; excluding all other employees, guards, and supervisors as defined in the Act.

(c) At all material times, Respondent, through the ILWU, and PMA have been parties to the Pacific Coast Longshore Contract Document ("PCLCD"), effective from July 1, 2014, through July 1, 2019.

(d) The PCLCD establishes a Joint Port Labor Relations Committee ("JPLRC") for each port comprised of local PMA representatives and ILWU representatives at the given port.

(e) Through the Seattle JPLRC, Respondent and the PMA jointly operate the dispatch hall in Seattle, Washington (the "dispatch hall"), by which PMA employers, including SSA, exclusively obtain employees for work in the Port of Seattle.

6.

(a) On about September 14, 2016, the Charging Party, a user of the dispatch hall, orally requested that Respondent furnish him with copies of the January through September 14, 2016 JPLRC minutes maintained by Respondent.

(b) Since about September 14, 2016, Charging Party requested in writing that Respondent furnish him with:

- (i) copies of Respondent's membership meeting minutes from January to September 2016; and
- (ii) copies of the April and May 2016 JPLRC minutes.

(c) On about September 23, 2016, the Charging Party requested in writing that Respondent furnish him with copies of February through August 2016 JPLRC minutes.

(d) The requested information described in paragraphs 6(a) through (c), constitutes dispatch hall information which Charging Party is entitled to as a matter of right.

(e) The requested information described above in paragraphs 6(a) through (c) is necessary for, and relevant to, determining whether the Charging Party was treated fairly by Respondent.

(f) Since about September 14, 2016, Respondent has failed and refused to furnish the Charging Party with the information he requested as described above in paragraphs 6(a) through (c).

(g) By the conduct described above in paragraph 6(f), Respondent has breached the duty of fair representation that it owed to Charging Party as a user of the exclusive dispatch hall.

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By the conduct described above in paragraph 6, Respondent has been restraining and coercing employees in the exercise of the rights guaranteed in § 7 of the Act in violation of § 8(b)(1)(A) of the Act.

8.

The unfair labor practices of Respondent described above affect commerce within the meaning of §§ 2(6) and (7) of the Act.

**ANSWER REQUIREMENT**

Respondent is notified that, pursuant to §§ 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the amended complaint. The answer must be received by this office on or before January 22, 2018, or postmarked on or before January 21, 2018. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

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An answer may also be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See § 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the amended complaint are true.

**NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on the 27<sup>th</sup> day of February, 2018, in the James C. Sand Hearing Room of the Jackson Federal Building, 915 2<sup>nd</sup> Avenue, Seattle, Washington, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this amended complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Seattle, Washington, this 8<sup>th</sup> day of January, 2018.



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RONALD K. HOOKS, Regional Director  
National Labor Relations Board  
Region 19  
915 2nd Ave., Ste 2948  
Seattle, WA 98174-1006

Attachments

## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. You may be represented at this hearing by an attorney or other representative. If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at [www.nlr.gov](http://www.nlr.gov), click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

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- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

(OVER)

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- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
NOTICE

Case 19-CB-186889

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

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Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

**CERTIFIED MAIL NO.**  
7016 1370 0000 0677 4731

RICH AUSTIN, LOCAL PRESIDENT  
ILWU LOCAL 19  
3440 E MARGINAL WAY S  
SEATTLE, WA 98134-1132

**FIRST CLASS MAIL**

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**FIRST CLASS MAIL**

KAREY MARTINEZ  
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KENT, WA 98030-7971

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

INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION, LOCAL 19  
(SSA MARINE)

19-CB-186889

and

KAREY MARTINEZ, an Individual

**ANSWER TO AMENDED COMPLAINT**

Pursuant to Section 102.20 *et seq.*, Respondent International Longshore and Warehouse Union, Local 19 ("Local 19" or "Respondent") appears now and answers the allegations as follows below. Local 19 reserves its right to amend its Answer, including its defenses and affirmative defenses, as additional facts become known through the course of the investigation.

1. As to the allegations in ¶ 1:
  - a. Local 19 admits to the allegations in ¶ 1(a).
  - b. Local 19 admits that the amended charge was filed by the Charging Party on September 5, 2017, and that it received a copy by US mail on September 8, 2017.  
¶ 1(b) are admitted.
2. The allegations in:
  - a. ¶ 2(a) are admitted.
  - b. ¶ 2(b) are denied.
  - c. ¶ 2(c) are denied.
  - d. ¶ 2(d) are denied.

ILWU LOCAL 19's ANSWER TO AMENDED COMPLAINT – 1  
CASE No. 19-CB-186889

**GC Exhibit: 1(n)**

3. Local 19 admits the allegations in ¶ 3.
4. Local 19 admits the allegations in ¶ 4.
5. As the allegations in ¶ 5:
  - a. Local 19 admits the allegations contained in ¶ 5(a).
  - b. Local 19 denies the allegations contained in ¶ 5 based on the inaccurate description of the coast-wise single bargaining unit, the terms and conditions of which, with respect to longshore work, are memorialized in the Pacific Coast Longshore Contract Document (PCLCD). The relevant unit does constitute an appropriate bargaining unit under Section 9(b) of the Act. Local 19 further avers that it represents its members working for PMA member employers at the Port of Seattle under the PCLCD.
  - c. Local 19 admits the allegations in ¶ 5(c).
  - d. Local 19 admits the allegations in ¶ 5(d).
  - e. Local 19 admits that the Seattle Joint Port Labor Relations Committee (“JPLRC”), which is comprised of PMA and ILWU 19 members, jointly administers the dispatch hall for dispatch of Local 19 represented workers to jobs at PMA member companies at the Port of Seattle. Local 19 denies the remaining allegations in ¶ 5(e).
6. As to the allegations in ¶ 6:
  - a. Local 19 admits the allegations in ¶ 6(a), but denies that Local 19 unilaterally operates the dispatch hall because the hall is jointly administered by the JPLRC.
  - b. Local 19 admits the allegations in ¶ 6(b).
  - c. Local 19 admits the allegations in ¶ 6(c).

- d. Responding to ¶ 6(d), Local 19 denies that the information requested constitutes dispatch hall records and further denies that Charging Party is entitled as a matter of right to the information requested.
  - e. Local 19 denies the allegation in ¶ 6(e).
  - f. Local 19 denies the allegations in ¶ 6(f).
  - g. Local 19 denies the allegations in ¶ 6(g).
7. The allegations in ¶ 7 are denied.
  8. The allegations in ¶ 8 are denied.

#### **AFFIRMATIVE DEFENSES AND DEFENSES**

1. The Complaint fails to state a claim for which relief can be granted.
2. The General Counsel cannot effectuate any remedy involving revision of JPLRC protocols in so far as the JPLRC is jointly administered and Respondent cannot unilaterally alter or amend JPLRC practices.
3. Local 19 acted reasonably and without arbitrariness, discrimination, or bad faith when it provided records to Charging Party.
4. Respondent satisfied its duty of fair representation to Charging Party.
5. Respondent satisfied its duty to provide information to Charging Party.
6. JPLRC minutes, unlike dispatch hall records, contain confidential information regarding registrants.
7. JPLRC minutes, unlike dispatch hall records, contain information not relevant to Charging Party, or his inquiry into whether he was correctly or fairly dispatched.

////

WHEREFORE, Local 19 seeks dismissal of the Complaint in its entirety.

Dated this 23rd day of January 2018.



Robert H. Lavitt, WSBA No. 27758  
Schwerin Campbell Barnard Iglitzin & Lavitt LLP  
18 W Mercer St, Suite 400  
Seattle, WA 98119  
(206) 257-6004  
(206) 257-6039  
Lavitt@workerlaw.com

*Attorney for Respondent ILWU Local 19*

DECLARATION OF SERVICE

I, Genipher Owens, hereby declare under penalty of perjury under the laws of the State of Washington that on January 23, 2018, I filed the foregoing Answer to Amended Complaint with the National Labor Relations Board at [www.nlr.gov](http://www.nlr.gov) and emailed a copy of the same to Karey Martinez at [kareymartinezlocal19@gmail.com](mailto:kareymartinezlocal19@gmail.com).

Signed in Seattle, WA, this 23rd day of January, 2018.

  
\_\_\_\_\_  
Genipher Owens, Paralegal

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

**INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION, LOCAL 19 (SSA  
TERMINALS, LLC)**

**and**

**Case 19-CB-186889**

**KAREY MARTINEZ, an Individual**

**INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION, LOCAL 19 (PACIFIC  
MARITIME ASSOCIATION)**

**and**

**Case 19-CB-224117**

**JAMES TESSIER, an Individual**

**AMENDED ORDER CONSOLIDATING CASES, CONSOLIDATED  
COMPLAINT AND NOTICE OF HEARING**

Pursuant to § 102.17 of the Rules and Regulations of the National Labor Relations Board (the Board), the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing which issued on June 6, 2019 is amended to reflect James Tessier as the individual Charging Party in Case 19-CB-224117 and Karey Martinez as the Charging Party in Case 19-CB-186889, and is therefore amended as follows:

Pursuant to § 102.33 of the Rules and Regulations of the National Labor Relations Board, and to avoid unnecessary costs or delay, IT IS ORDERED THAT the charge in Case 19-CB-224117 filed by James Tessier, an Individual ("Charging Party Tessier") against International Longshore and Warehouse Union, Local 19 ("Respondent") is

**GC Exhibit: 1(o)**

consolidated with the charge in Case 19-CB-186889 filed by and Individual ("Charging Party Martinez") against Respondent, upon which an Amended Consolidated Complaint and Notice of Hearing issued on January 8, 2018.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges is issued pursuant to § 10(b) of the National Labor Relations Act (the "Act"), 29 U.S.C. § 151 *et seq.*, and § 102.15 of the Rules and Regulations of the National Labor Relations Board (the "Board") and alleges that Respondent has violated the Act as described below.

1.

(a) The charge in case 19-CB-186889 was filed by Charging Party Martinez on October 21, 2016, and a copy was served on Respondent by U.S. mail on about October 25, 2016.

(b) The first amended charge in case 19-CB-186889 was filed by Charging Party Martinez on September 5, 2017, and a copy was served on Respondent by U.S. mail on about September 7, 2017.

(c) The charge in case 19-CB-224117 was filed by Charging Party Tessier on July 20, 2018, and a copy was served on Respondent by U.S. mail on about July 20, 2018.

(d) The first amended charge in case 19-CB-224117 was filed by Charging Party Tessier on August 13, 2018, and a copy was served on Respondent by U.S. mail on about August 15, 2018.

2.

(a) At all material times, SSA Terminals, LLC ("SSA"), herein identified by its correct name, has been a State of Delaware limited liability company with an office and place of business in Seattle, Washington, and has been engaged in the operation of marine terminals and providing stevedoring services.

(b) In conducting its operations described above in paragraph 2(a) during the past 12 months, a representative period, SSA derived gross revenues in excess of \$500,000.

(c) In conducting its operations described above in paragraph 2(a) during the past 12 months, a representative period, SSA provided services valued in excess of \$50,000 directly to customers located outside the State of Washington.

(d) At all material times, SSA has been an employer engaged in commerce within the meaning of §§ 2(2), (6), and (7) of the Act.

3.

Respondent is and has been, at all material times, a labor organization within the meaning of § 2(5) of the Act.

4.

At all material times, the following individuals held the positions set forth opposite their respective names and have been agents of Respondent within the meaning of § 2(13) of the Act:

Rich Austin	-	Local President
Jerome Johnson	-	Night Business Agent
Kurt Harriage	-	Day Business Agent
Robert Dalzel	-	Dispatcher

Justin Hirsch - Labor Relations Committee Member/  
Business Agent

Ryan Lenz - Labor Relations Committee Member

Paul Wasbrekke - Labor Relations Committee Member

5.

(a) At all material times, the Pacific Maritime Association ("PMA") has been an organization composed of various employers, including SSA in California, Oregon and Washington, operating as steamship companies, stevedore contractors, and marine terminal operators, that represents its member employers in negotiating and administering collective-bargaining agreements with various labor organizations, including the International Longshore and Warehouse Union ("ILWU") and its locals, including Respondent.

(b) At all material times, by virtue of § 9(a) of the Act, Respondent has been the exclusive collective-bargaining representative of the following employees of the PMA member employers employed at the Port of Seattle (the "Unit"):

All employees performing work described in and covered by "Section 1 of the Contract Document and Assignment of Work to Longshoremen" of the collective-bargaining agreement between Respondent and the PMA; excluding all other employees, guards, and supervisors as defined in the Act.

(c) At all material times, Respondent through the ILWU, and PMA have been parties to the Pacific Coast Longshore Contract Document ("PCLCD"), effective from July 1, 2014 through July 1, 2019.

(d) The PCLCD establishes a Joint Port Labor Relations Committee ("JPLRC") for each port comprised of local PMA representatives and ILWU representatives at the given port.

(e) Through the Seattle JPLRC, Respondent and the PMA jointly operate a dispatch hall in Seattle, Washington (the "dispatch hall"), by which PMA employers, including SSA, exclusively obtain employees for work in the Port of Seattle.

6.

(a) On about September 14, 2016, Charging Party Martinez, a user of the dispatch hall, orally requested that Respondent furnish him with copies of the January through September 14, 2016 JPLRC minutes maintained by Respondent.

(b) Since about September 14, 2016, Charging Party Martinez requested in writing that Respondent furnish him with:

(i) copies of Respondent's membership meeting minutes from January to September 2016; and

(ii) copies of the April and May 2016 JPLRC minutes;

(c) On about September 23, 2016, Charging Party Martinez requested in writing that Respondent furnish him with copies of February through August 2016 JPLRC minutes.

(d) On about June 25, 2018, Charging Party Martinez requested in writing that Respondent furnish him with copies of all JPLRC minutes referring to him not securing a replacement in December 2017, which were contained in the February 1, 2018 JPLRC minutes.

(e) The requested information described in paragraphs 6(a) through (d) constitutes dispatch hall information which Charging Party Martinez is entitled to as a matter of right.

(f) The requested information described above in paragraphs 6(a) through (d) is necessary for, and relevant to, determining whether Charging Party Martinez was treated fairly by Respondent.

(g) Since about September 14, 2016, Respondent has failed and refused to furnish Charging Party Martinez with the information he requested as described above in paragraphs 6(a) through 6(d) in unredacted form.

(h) By the conduct described above in paragraph 6(g), Respondent has breached its duty of fair representation that it owed to Charging Party Martinez as a user of the exclusive dispatch hall.

7.

By the conduct described above in paragraph 6, Respondent has been restraining and coercing employees in the exercise of their rights guaranteed in § 7 of the Act in violation of § 8(b)(1)(A) of the Act.

8.

The unfair labor practices of Respondent described above affect commerce within the meaning of §§ 2(6) and (7) of the Act.

**ANSWER REQUIREMENT**

Respondent is notified that, pursuant to §§ 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the Amended Order Consolidating Cases, Consolidated Complaint and Notice of Hearing. The answer must be **received by this office on or before June 25, 2019 or postmarked on or before June 24, 2019.**

Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See § 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf. file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Complaint are true.

**NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT, beginning at 9 a.m. on the 15th day of October, 2019, at the James Sand Hearing Room located at 915 Second Avenue, Suite 2966, Jackson Federal Building, Seattle, WA 98174, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Amended Order Consolidating Cases, Consolidated Complaint and Notice of Hearing. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

DATED at Seattle, Washington, this 11th day of June, 2019.



---

Ronald K. Hooks, Regional Director  
National Labor Relations Board, Region 19  
915 2<sup>nd</sup> Avenue, Suite 2948  
Seattle, WA 98174-1006

Attachments

## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. You may be represented at this hearing by an attorney or other representative. If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

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submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

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- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
NOTICE

Cases 19-CB-186889  
19-CB-224117

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

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- (2) Grounds must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

**CERTIFIED MAIL NO.**  
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ILWU, Local 19  
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Kent, WA 98030-7971

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

INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION, LOCAL 19 (SSA  
TERMINALS, LLC),

and

KAREY MARTINEZ, an individual

Case 19-CB-186889

INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION, LOCAL 19  
(PACIFIC MARITIME ASSOCIATION)

and

JAMES TESSIER, an individual

Case 19-CB-224117

**RESPONDENT INTERNATIONAL LONGSHORE AND WAREHOUSE UNION  
LOCAL 19'S ANSWER TO AMENDED ORDER CONSOLIDATING CASES, AND  
CONSOLIDATED COMPLAINT**

Pursuant to Section 102.20 *et seq.*, Respondent International Longshore and Warehouse Union, Local 19 ("Local 19" or "Respondent"), appears now through undersigned counsel and answers the allegations in the Amended Consolidated Complaint as follows. Local 19 reserves its right to amend its Answer, including its defenses and affirmative defenses, as additional facts become known through the course of investigation:

1. The allegations in:
  - a. Paragraph 1(a) are admitted.
  - b. Paragraph 1(b) are admitted.
  - c. Paragraph 1(c) are admitted.

ILWU LOCAL 19'S ANSWER TO AMENDED CONSOLIDATED COMPLAINT - 1  
Case No. 19-CB-186889; 19-CB-224117

**GC Exhibit: 1(p)**

d. Paragraph 1(d) are denied.

2. The allegations in:

a. Paragraph 2(a) are denied for lack of sufficient information.

b. Paragraph 2(b) are denied for lack of sufficient information.

c. Paragraph 2(c) are denied for lack of sufficient information.

d. Paragraph 2(d) are denied for lack of sufficient information.

3. The allegation in Paragraph 3(a) is admitted.

4. The allegations in Paragraph 4 are admitted in part. Local 19 admits the named individuals served in the positions identified for at least some material times. Paul Wasbrekke served on the Local 19 LRC in 2016-2018. Ryan Lenz served on the Local 19 LRC in 2016-2017. In 2018, Mark Williams joined Justin Hirsch and Mr. Wasbrekke on the LRC. In addition to Mr. Hirsch, starting in 2019, the LRC includes Ron Finne and Toby Albright. Recently, Mr. Albright was replaced by Terry Jeffries. To summarize the Local 19 JPLRC:

2016: Hirsch, Wasbrekke, Lenz

2017: Hirsch, Wasbrekke, Lenz

2018: Hirsch, Wasbrekke, and Mark Williams

2019: Hirsch, Ron Finne, and Terry Jeffries [previously Toby Albright]

5. The allegations in:

a. Paragraph 5(a) are admitted in part. Local 19 admits that PMA is a multiemployer association and bargaining agent for longshore and stevedore companies, shippers, and marine terminal operators, including SSA, operating in California, Oregon and Washington. PMA is signatory with the ILWU to the Pacific Coast Longshore & Clerks Agreement (PCL&CA), which includes the Pacific Coast Longshore and Contract Document (PCLCD). This governs bargaining unit work

and is administered by Local 19 in the Port of Seattle. Remaining allegations are denied.

- b. Paragraph 5(b) are denied. By way of further response, Local 19 admits that the ILWU is the exclusive bargaining representative of the coastwise multi-employer bargaining unit employing workers of PMA companies, including longshore workers. Local 19 is the ILWU affiliate, and represents bargaining unit employees working at PMA member companies, at the Port of Seattle. This includes those covered by the PCLCD then in effect from July 1, 2014 to July 1, 2019, and now in effect until 2022. Local 19 denies the remaining allegations in ¶ 5(b).
- c. Paragraph 5(c) are admitted in part. Local 19 notes the current PCLCD runs through 2022.
- d. Paragraph 5(d) are admitted.
- e. Paragraph 5(e) are admitted.

6. The allegations in:

- a. Paragraph 6(a) are denied.
- b. Paragraph 6(b)(i) and (ii) are admitted.
- c. Paragraph 6(c) are admitted.
- d. Paragraph 6(d) are admitted.
- e. Paragraph 6(e) are denied.
- f. Paragraph 6(f) are denied.
- g. Paragraph 6(g) are denied.
- h. Paragraph 6(h) are denied.

7. To the extent a responsive pleading is required, Local 19 denies the allegations in Paragraph 7.

8. To the extent a responsive pleading is required, Local 19 denies the allegations in Paragraph 8.

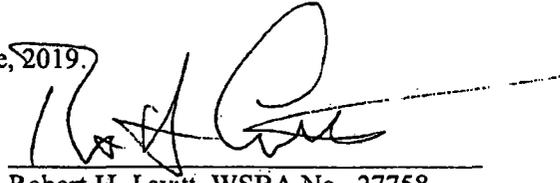
#### **RESPONDENT ILWU LOCAL 19'S DEFENSES AND/OR AFFIRMATIVE DEFENSES**

By way of further response, Local 19 asserts the following defenses and/or affirmative defenses:

1. The Amended Consolidated Complaint fails to state a claim for which relief can be granted.
2. Some of the allegations fall outside the limitations period under Section 10(b) of the Act.
3. The Seattle dispatch hall, jointly administered by the Union and PMA, is not the equivalent of an exclusive union hiring hall.
4. JPLRC meeting minutes are not the equivalent of hiring hall job records.
5. Local 19 owes a duty of fair representation to all of its members, including those whose personal or confidential information is contained in JPLRC minutes.
6. Martinez has no legal right to unredacted minutes.
7. Martinez refused to negotiate over Local 19's lawful and valid concerns over member information contained in JPLRC minutes.
8. Local 19 provided responsive records to Martinez's information requests.
9. Local 19 acted reasonably and without arbitrariness, discrimination, or bad faith during the entire period of time covered by the Complaint, and neither restrained nor interfered with the exercise of Section 7 rights by any bargaining unit employees.

WHEREFORE, Local 19 prays for dismissal of the Amended Consolidated Complaint in its entirety.

DATED this 25th day of June, 2019.

A handwritten signature in black ink, appearing to read 'R. Lavitt', written over a horizontal line.

Robert H. Lavitt, WSBA No. 27758  
*Attorney for Respondent ILWU Local 19*

DECLARATION OF SERVICE

I declare under penalty of perjury that on this 25<sup>th</sup> day of June, 2019, I caused the foregoing ILWU Local 19's Answer to Consolidated Complaint to be electronically filed with the National Labor Relations Board at [www.nlr.gov](http://www.nlr.gov) and a copy to be emailed to Jim Tessier at [laborrelations@comcast.net](mailto:laborrelations@comcast.net) and sent by U.S. mail to the following:

Karey Martinez  
13036 SE Kent Kangley Rd., #332  
Kent, WA 98030-7971

Wade Garrett  
SSA Marine  
1131 SW Klickitat Way  
Seattle, WA 98134-1108



Genipher A. Owens, Paralegal

DECLARATION OF SERVICE

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

**ILWU LOCAL 19 (SSA MARINE)**

**and**

**Case 19-CB-186889**

**KAREY MARTINEZ, an Individual**

**COMPLAINT AND NOTICE OF HEARING**

This Complaint and Notice of Hearing is based on a charge filed by Karey Martinez, an Individual ("Charging Party"). It is issued pursuant to § 10(b) of the National Labor Relations Act (the "Act"), 29 U.S.C. § 151 *et seq.*, and § 102.15 of the Rules and Regulations of the National Labor Relations Board (the "Board"), and alleges that against International Longshore and Warehouse Union, Local 19 ("Respondent"), herein identified by its correct name, has violated the Act as described below

1.

(a) The charge in this proceeding was filed by the Charging Party on October 21, 2016, and a copy was served on Respondent by U.S. mail on October 25, 2016.

(b) The first amended charge in this proceeding was filed by the Charging Party on September 5, 2017, and a copy was served upon Respondent by U.S. mail on September 16, 2017.

2

(a) At all material times, SSA Terminals, LLC, herein identified by its correct name, has been a limited liability company with an office and place of business in Seattle, Washington, and has been engaged in the operation of marine terminals and providing stevedore services.

1

**GC Exhibit: 1(q)**

(b) In conducting its operations described above in paragraph 2(a) during the past 12 months, a representative period, Respondent derived gross revenues in excess of \$500,000.

(c) In conducting its operations described above in paragraph 2(a) during the past 12 months, a representative period, Respondent provided services valued in excess of \$50,000 directly to customers located outside the State of Washington.

(d) At all material times, Respondent has been an employer engaged in commerce within the meaning of §§ 2(2), (6) and (7) of the Act

3.

Respondent, is and has been, at all material times, has been a labor organization within the meaning of § 2(5) of the Act

4

At all material times, the following individuals held the positions set forth opposite their respective names and have been agents of Respondent within the meaning of § 2(13) of the Act

Rich Austin	-	Local President
Jerome Johnson	-	Night Business Agent
Kurt Harriage	-	Day Business Agent
Robert Dalzel	-	Dispatcher
Justin Hirsch	-	Labor Relations Committee Member
Ryan Lenz	-	Labor Relations Committee Member
Paul Wasbrekke	-	Labor Relations Committee Member

5

2

(a) On about September 14, 2016, the Charging Party, a user of Respondent's exclusive dispatch hall, orally requested that Respondent furnish him with copies of the January through September 14, 2016 Joint Port Labor Relations Committee ("JPLRC") minutes maintained by Respondent

(b) Since about September 14, 2016, Charging Party requested in writing that Respondent furnish him with

(i) copies of Respondent's meeting minutes from January 2016 to September 2016, and

(ii) copies of the April and May 2016 JPLRC minutes

(c) On about September 23, 2017, the Charging Party requested in writing that Respondent furnish him with copies of February through August 2016 JPLRC minutes.

(d) The requested information described in paragraphs 5(a) through (c), constitutes dispatch hall information which Charging Party is entitled to as a matter of right.

(e) The requested information described above in paragraphs 5(a) through (c) is necessary for, and relevant to, determining whether the Charging Party was treated fairly by Respondent

(f) Since about September 14, 2017, Respondent has failed and refused to furnish the Charging Party with the information he requested as described above in paragraphs 5(a) through (c)

(g) By the conduct described above in paragraph 5(f), Respondent has breached the duty of fair representation that it owed to Charging Party as a user of the exclusive dispatch hall

6.

By the conduct described above in paragraph 5, Respondent has been restraining and coercing employees in the exercise of the rights guaranteed in § 7 of the Act in violation of § 8(b)(1)(A) of the Act

7

The unfair labor practices of Respondent described above affect commerce within the meaning of §§ 2(6) and (7) of the Act

#### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to §§ 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before October 10, 2017, or postmarked on or before October 9, 2017** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties

An answer may also be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12 00 noon (Eastern Time) on the due

date for filing; a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See § 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

#### **NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on the 23<sup>rd</sup> day of January, 2018, in the James C. Sand Hearing Room of the Jackson Federal Building, 915 2<sup>nd</sup> Avenue, Seattle, Washington, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure

to request a postponement of the hearing is described in the attached Form NLRB-4338.

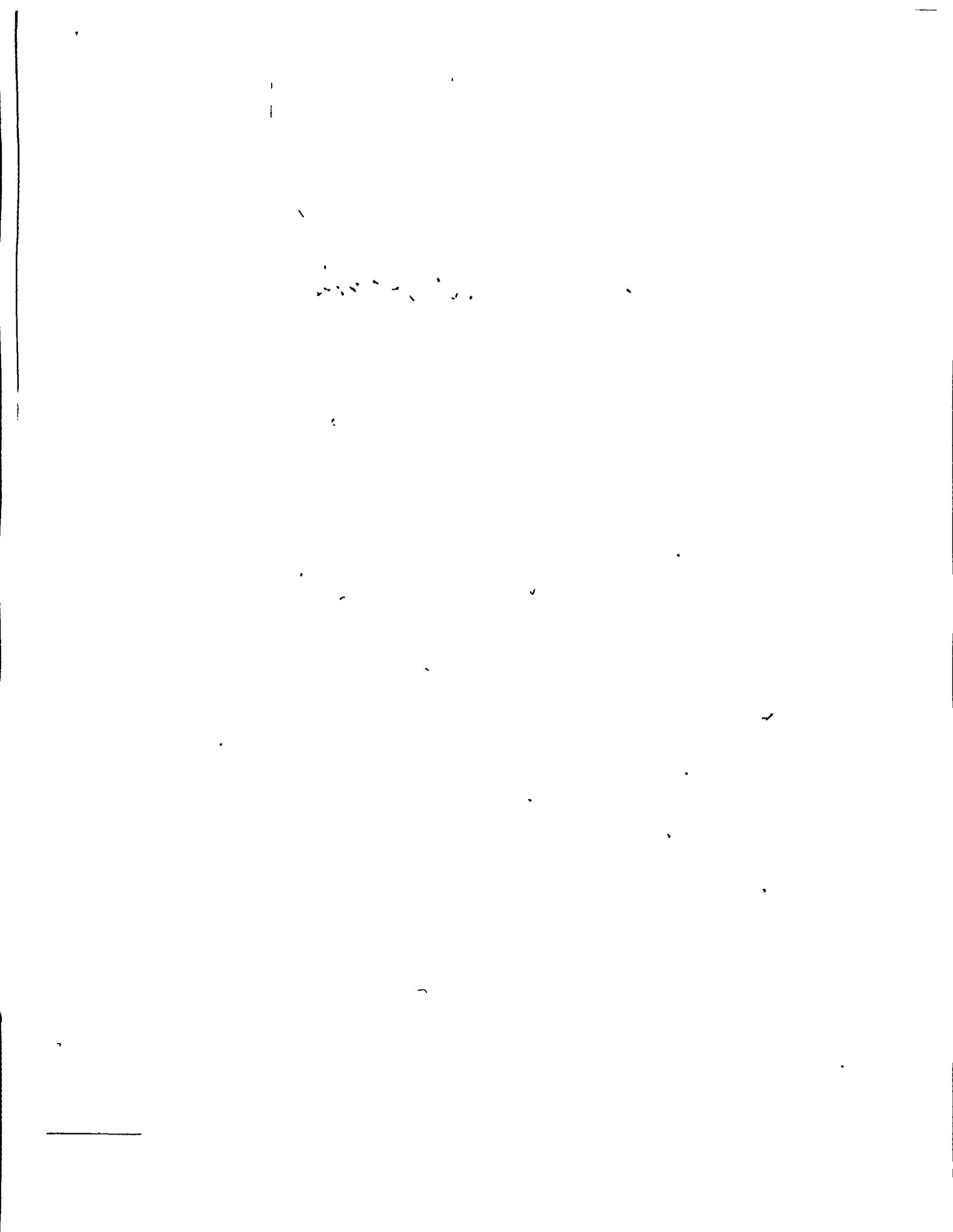
Dated at Seattle, Washington, this 26<sup>th</sup> day of September, 2017.



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Ronald K. Hooks, Regional Director  
National Labor Relations Board  
Region 19  
915 2nd Ave., Ste 2948  
Seattle, WA 98174-1006

Attachments



## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. You may be represented at this hearing by an attorney or other representative. If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf)

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at [www.nlr.gov](http://www.nlr.gov), click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

### II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered.

(OVER)

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

### III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
NOTICE

Case 19-CB-186889

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in *detail*,
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

**CERTIFIED MAIL NO.**  
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**RICH AUSTIN, LOCAL PRESIDENT**  
ILWU LOCAL 19  
3440 E MARGINAL WAY S  
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SSA MARINE  
1131 SW KLINKITAT WAY  
SEATTLE, WA 98134-1108

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

INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION, LOCAL 19  
(SSA MARINE)

19-CB-186889

and

KAREY MARTINEZ, an Individual

ANSWER TO COMPLAINT

Pursuant to Section 102.20 *et seq.* Respondent International Longshore and Warehouse Union, Local 19 ("Local 19" or "Respondent") appears now and answers the allegations as follows below. Local 19 reserves its right to amend its Answer, including its defenses and affirmative defenses, as additional facts become known through the course of investigation:

1. The allegations in
  - a. ¶ 1(a) are admitted.
  - b. ¶ 1(b) are admitted.
2. The allegations in:
  - a. ¶ 2(a) are admitted.
  - b. ¶ 2(b) are denied.
  - c. ¶ 2(c) are denied
  - d. ¶ 2(d) are denied.
3. Local 19 admits the allegations in ¶ 3.
4. Local 19 admits the allegations in ¶ 4.

ILWU LOCAL 19 ANSWER TO COMPLAINT - 1  
CASE No. 19-CB-186889

GC Exhibit: 1(r)

5.

- a. Local 19 admits the allegations in ¶ 5(a) but denies that Local 19 unilaterally operates the dispatch hall because the hall is jointly administered by the Seattle Joint Port Labor Relations Committee (JPLRC).
  - b. Local 19 admits the allegations in ¶5(b).
  - c. Local 19 admits the allegations in ¶5(c).
  - d. Responding to ¶ 5(d), Local 19 denies that the information requested constitutes dispatch hall records and further denies that Charging Party is entitled as a matter of right to the information requested.
  - e. Local 19 denies the allegation in ¶ 5(e).
  - f. Local 19 denies the allegations in ¶ 5(f).
  - g. Local 19 denies the allegations in ¶5(g).
6. The allegations in ¶6 are denied.
7. The allegations in ¶7 are denied.

#### **AFFIRMATIVE DEFENSES AND DEFENSES**

8. The Complaint fails to state a claim for which relief can be granted.
9. The General Counsel cannot effectuate any remedy involving revision of JPLRC protocols in so far as the JPLRC is jointly administered and Respondent cannot unilaterally alter or amend JPLRC practices.
10. Local 19 acted reasonably and without arbitrariness, discrimination or bad faith when it provided records to Charging Party.
11. Respondent satisfied its duty of fair representation to Charging Party.
12. Respondent satisfied its duty to provide information to Charging Party.

13. JPLRC minutes, unlike dispatch hall records, contain confidential information regarding registrants.

14. JPLRC minutes, unlike dispatch hall records, contain information not relevant to Charging Party, or his inquiry into whether he was correctly or fairly dispatched.

WHEREFORE, Local 23 seeks dismissal of the Complaint in its entirety.

Dated this 10<sup>th</sup> day of October 2017.



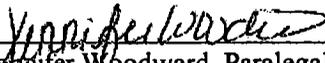
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Seattle, WA 98119  
(206) 257-6004  
(206) 257-6039  
Lavitt@workerlaw.com

*Attorney for Respondent ILWU Local 19*

DECLARATION OF SERVICE

I, Jennifer Woodward, hereby declare under penalty of perjury under the laws of the state of Washington that on October 10, 2017, I filed the foregoing Answer to Complaint with the National Labor Relations Board at [www.nlrb.gov](http://www.nlrb.gov) and emailed a copy of the same to Karey Martinez at [kareymartinezlocal19@gmail.com](mailto:kareymartinezlocal19@gmail.com).

Signed in Seattle, WA, this 10<sup>th</sup> day of October, 2017.

  
\_\_\_\_\_  
Jennifer Woodward, Paralegal

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

INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION, LOCAL 19  
(SSA MARINE)

19-CB-186889

and

KAREY MARTINEZ, an Individual

**AMENDED ANSWER TO COMPLAINT**

Pursuant to Section 102.20 *et seq.*, Respondent International Longshore and Warehouse Union, Local 19 ("Local 19" or "Respondent") appears now and answers the allegations as follows below. Local 19 reserves its right to amend its Answer, including its defenses and affirmative defenses, as additional facts become known through the course of the investigation.

1. The allegations in:
  - a. ¶ 1(a) are admitted.
  - b. ¶ 1(b) are admitted.
2. The allegations in:
  - a. ¶ 2(a) are admitted.
  - b. ¶ 2(b) are denied.
  - c. ¶ 2(c) are denied
  - d. ¶ 2(d) are denied.
3. Local 19 admits the allegations in ¶ 3.
4. Local 19 admits the allegations in ¶ 4.

5. As to the allegations in ¶ 5:
  - a. Local 19 admits the allegations in ¶ 5(a), but denies that Local 19 unilaterally operates the dispatch hall because the hall is jointly administered by the Seattle Joint Port Labor Relations Committee (JPLRC).
  - b. Local 19 admits the allegations in ¶ 5(b).
  - c. Local 19 admits the allegations in ¶ 5(c).
  - d. Responding to ¶ 5(d), Local 19 denies that the information requested constitutes dispatch hall records and further denies that Charging Party is entitled as a matter of right to the information requested.
  - e. Local 19 denies the allegation in ¶ 5(e).
  - f. Local 19 denies the allegations in ¶ 5(f).
  - g. Local 19 denies the allegations in ¶ 5(g).
6. The allegations in ¶ 6 are denied.
7. The allegations in ¶ 7 are denied.

#### **AFFIRMATIVE DEFENSES AND DEFENSES**

8. The Complaint fails to state a claim for which relief can be granted.
9. The General Counsel cannot effectuate any remedy involving revision of JPLRC protocols in so far as the JPLRC is jointly administered and Respondent cannot unilaterally alter or amend JPLRC practices.
10. Local 19 acted reasonably and without arbitrariness, discrimination, or bad faith when it provided records to Charging Party.
11. Respondent satisfied its duty of fair representation to Charging Party.
12. Respondent satisfied its duty to provide information to Charging Party.

13. JPLRC minutes, unlike dispatch hall records, contain confidential information regarding registrants.

14. JPLRC minutes, unlike dispatch hall records, contain information not relevant to Charging Party, or his inquiry into whether he was correctly or fairly dispatched.

WHEREFORE, Local 19 seeks dismissal of the Complaint in its entirety.

Dated this 11<sup>th</sup> day of October 2017



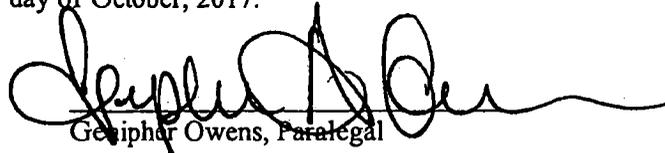
Robert H. Lavitt, WSBA No. 27758  
Schwerin Campbell Barnard Iglitzin & Lavitt LLP  
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Seattle, WA 98119  
(206) 257-6004  
(206) 257-6039  
Lavitt@workerlaw.com

*Attorney for Respondent ILWU Local 19*

DECLARATION OF SERVICE

I, Genipher Owens, hereby declare under penalty of perjury under the laws of the state of Washington that on October 11, 2017, I filed the foregoing Amended Answer to Complaint with the National Labor Relations Board at [www.nlr.gov](http://www.nlr.gov) and emailed a copy of the same to Karey Martinez at [kareymartinezlocal19@gmail.com](mailto:kareymartinezlocal19@gmail.com).

Signed in Seattle, WA, this 11<sup>th</sup> day of October, 2017.

  
Genipher Owens, Paralegal

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
DIVISION OF ADMINISTRATIVE LAW JUDGES

INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION, LOCAL 19  
(SSA TERMINALS, LLC)

and

KAREY MARTINEZ, an Individual

INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION, LOCAL 19  
(PACIFIC MARITIME ASSOCIATION)

and

JAMES TESSIER, an Individual

Cases 19-CB-186889

Case 19-CB-224117

**AFFIDAVIT OF SERVICE OF JOINT MOTION TO INCLUDE IN, AMEND, AND CORRECT THE  
INDEX AND DESCRIPTION OF FORMAL DOCUMENTS.**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **October 16, 2019**, I served the above-entitled document(s) by E-File and E-Mail upon the following persons, addressed to them at the following addresses:

**E-FILE:**

The Honorable Eleanor Laws  
Administrative Law Judge  
National Labor Relations Board  
Division of Judges  
901 Market St., Ste. 300  
San Francisco, CA 94103

Jim Tessier, Labor Consultant  
2265 74th Ave. SE  
Mercer Island, WA 98040-2328  
[laborrelations@comcast.net](mailto:laborrelations@comcast.net)

**E-MAIL:**

Robert H. Lavitt, Attorney  
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and Lavitt, LLP  
18 W Mercer St., Ste. 400  
Seattle, WA 98119-3971  
[lavitt@workerlaw.com](mailto:lavitt@workerlaw.com)

October 16, 2019.

\_\_\_\_\_  
Date

*Dennis Snook*  
Designated Agent of NLRB

\_\_\_\_\_  
Name

*Kathlyn L. Mills*

\_\_\_\_\_  
Signature