

INTERNATIONAL
LONGSHOREMEN'S
& WAREHOUSEMEN'S
UNION



MARINE CLERKS ASSOCIATION
LOCAL 63 LOS ANGELES and LONG BEACH HARBORS

350 WEST 5TH STREET, SUITE 200

SAN PEDRO, CALIFORNIA 90731

BULLETIN – NOVEMBER 2007

JOE W. GASPEROV

PRESIDENT

MEETINGS – December 6, 2007 – 6:00 p.m. – Regular Membership Meeting
December 10, 2007 – 12 Noon – Membership Education Meeting
December 11, 2007 – 6:30 p.m. – Grievance Committee Meeting
December 12, 2007 – 6:30 p.m. – District Council Meeting
December 18, 2007 – 5:30 p.m. – Work Card Committee Meeting
December 19, 2007 – 12 Noon – Promotions Committee Meeting
December 20, 2007 – 5:30 p.m. – Executive Board Meeting
December 27, 2007 – 12 Noon – Diversity Meeting

BUSINESS OFFICE HOLIDAY HOURS – The Business Office will be closed on the following dates: Thursday, November 22nd and Friday, November 23rd in observance of the Thanksgiving holiday; Tuesday, December 25th and Tuesday, January 1st in observance of Christmas Day and New Year's Day, respectively. Additionally, the Business Office will close at 12 Noon on Monday, December 24th and Monday, December 31st in observance of Christmas Eve and New Year's Eve.

LAST PAYROLL DATE – The last day for payroll and 2007 vacation is Friday, December 21st. All vacations must be completed or paid for by this date for credit to be applied to 2007. Members who have not paid by this date will be cited to appear before the Grievance Committee for adjudication and will be charged gross monies for each week affected. As a reminder, if you transferred into Local 63 after July 1st, 2007 you are not required to take a vacation for this year.

PAID HOLIDAYS – MONDAY, DECEMBER 24TH – CHRISTMAS EVE

TUESDAY, DECEMBER 25TH – CHRISTMAS DAY – DEAD DAY

To be eligible for Christmas Eve and Christmas Day holiday pay, you must be available for work at least 2 of the 3 days, (December 26th, 27th or 28th), exclusive of the holiday dates.

MONDAY, DECEMBER 31ST – NEW YEAR'S EVE

TUESDAY, JANUARY 1ST – NEW YEAR'S DAY – DEAD DAY

To be eligible for New Year's Eve and New Year's Day holiday pay, you must be available for work at least 2 of the 3 days, (January 2nd, 3rd, or 4th), exclusive of the holiday dates. If you are off on disability, please submit written medical documentation to the Business Office covering you for the appropriate time. If you are on vacation, you must notify the Dispatcher no later than December 28th, 2007 for Christmas Eve and Christmas Day; and January 4th, 2008 for New Year's Eve and New Year's Day. To be eligible for these holidays, you must also have worked at least 800 hours (700 if over age 60) in 2006.

CRIMINAL CHARGES FOR INSURANCE FRAUD – Criminal charges were brought against one of our members for insurance fraud. The company alleged that the member had falsely claimed injuries from an on-the-job accident. The Local has been informed that the same thing has happened to another ILWU member. While Local 63 does not represent our members in criminal cases such as this, we want to put you on notice that this is occurring and we urge you to make certain that only valid claims are made.

CONTRACT NEGOTIATIONS – Just another reminder that the Longshore Caucus will convene on Monday, January 28th, 2008 and will continue through Friday, February 9th, 2008. Any resolutions passed at our Regular Membership Meetings must be submitted to the Coast by January 18th, 2008. The time is now to begin contemplating ideas or changes you would like to see in the 2008 contract as there are only two (2) Membership Meetings before this date. If you have an idea and would like assistance in drafting it into a resolution, please contact one of the Local Officers.

CHRISTMAS PARTY – Local 63's Third Annual Christmas Party Dinner-Dance is on Saturday, December 15th, 2007 at the San Pedro Elks Lodge. Tickets are \$60 each and will be available in the Business Office until they are sold out. Last year's event was a huge success so purchase your tickets before they run out!!

LOCAL 63 CHRISTMAS LUNCHEON – Come celebrate the Season at this year's party on Friday, December 21st, 2007 from 11:00 a.m. to 2:00 p.m. in the Local 63 Dispatch Hall. Families are welcome, so plan to attend and enjoy good food, good friends and a good time.

MEMBER EDUCATION 2008 CONTRACT PREPARATION – The next meeting is being held on Monday, December 10th, 2007 at 12 Noon. Please R.S.V.P. with Gina in the Business Office at: (310) 521-6363 no later than 10 a.m. that morning.

ILWU SOLIDARITY – The ILWU has been trying to organize the workers at the Rite Aid Distribution Center in Lancaster, CA. In a show of solidarity, ILWU members will be caravanning to Lancaster on December 9th, 2007 to deliver food baskets to the out-of-work employees and encourage them to keep up the fight. We will be leaving at 10:00 a.m. from Local 13's Memorial Hall. For more information please contact the business office.

MESSAGE FROM THE BUSINESS AGENTS – With approximately four (4) months until negotiations, we need to focus on staying united. We need to stop going to management when we have problems with our union brothers and sisters. Rather, discuss the problem with the Chief Supervisor, Supercargo or call the Business Agents or Officers. If you feel someone is not doing their job or doing something against union rules, let's keep it in house and deal with it amongst ourselves. Another issue that has been coming up a lot lately is management trying to direct the work of Marine Clerks working against the vessel, yard and gate. Remember, if you are a Floor Runner or Hatch Clerk, superintendents are not your boss and you do not work at their direction. The Supercargo is your boss and he or she directs you. If you are working in a yard or tower that has a Chief Supervisor, they are your boss and only they direct you. If you find yourself in this situation with Management trying to direct you, politely ask them to go through your Supercargo or Chief Supervisor. Remember, they are not there to help you or to be your friend; they are there to replace you. If you have any questions or problems, call the Business Agents or one of the Officers.

VACATION HOURS – The Work Card Committee has brought to our attention the fact that many members are improperly recording their vacation hours on their time cards. Vacations are paid in 1 week increments with each week consisting of 40 hours (5 days x 8 hours). In order to receive credit, you must be off 5 consecutive days, each day counting as 8 hours for a total of 40 hours for 1 week. You can **not** take off 4 days and count each day as 10 hours and have it count as 1 week vacation. Nor can you take 5 days off and count each day as 10 hours and get credit for 50 hours of vacation. If you have any questions, the Work Card Committee is available to help you on Fridays from 8 a.m. – 4 p.m. or contact one of the Officers.

DRUG AND ALCOHOL TESTS – The Coast recently sent out a memo addressing the fact that various employers have been insisting that our members submit to drug tests after an injury or accident. **The agreed-to policy does not allow routine testing after every injury or accident.** The policy permits testing in two situations that could potentially relate to injuries or accidents: 1) after “a serious accident where there is a reasonable cause to believe that alcohol or drug use may have been involved” and 2) when on-the-job conduct “provides reasonable cause to believe that [the employee is] under the influence of alcohol or drugs.” The ILWU has not agreed to permit testing when the accident is not serious, unless the conduct otherwise provides “reasonable cause” to believe that an employee is under the influence of alcohol or drugs. Even if the accident is serious, there is only agreement to testing when the circumstances of the accident suggest that alcohol or drugs may have been involved. The employers cannot unilaterally start changing the testing policies. Our members have a right to refuse testing that does not comply with the policy. In addition, some members have been concerned that refusing a drug test might affect their workers' compensation claim. Under the Longshore and Harbor Workers Compensation Act, there is no requirement that a worker must submit to drug tests. But if the employee does submit, a positive drug test could be used by the employer to fight the claim. Therefore, members should be consenting to drug test requests only in those situations that the Union has already agreed to. Deciding when a drug test request fits the policy will require some judgment. Before any member consents to take a drug test, he or she should ask what objective evidence the employer is relying on for reasonable cause and should also immediately contact a union representative.