

<p>IN THE MATTER OF A CONTROVERSY</p> <p>BETWEEN</p> <p>PACIFIC MARITIME ASSOCIATION</p> <p>AND</p> <p>INTERNATIONAL LONGSHORE AND WAREHOUSE UNION LOCAL 63</p> <p>Truck Drivers Inserting Drivers' Identification Cards Into Readers</p>	<p>SCAA-0020-2004</p> <p>OPINION AND DECISION</p> <p>Of</p> <p>David Miller Area Arbitrator</p> <p>June 28, 2004</p> <p>Long Beach, California</p>
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The hearing was held at 10:15 A.M. on Monday, June 28, 2004 at 1171 Pier "F" Avenue, Long Beach, California. Each party was afforded full opportunity for examination and presentation of relevant arguments, documents, and testimonies of witnesses. A Certified Shorthand Reporter was in attendance and recorded a transcript of the hearing.

**APPEARANCES:**

FOR THE EMPLOYERS: Jacqueline Ferneau  
Pacific Maritime Association

FOR THE UNION: Joe Gasperov  
I.L.W.U. Local 63

ALSO PRESENT: Art Merrick, LBCT  
Anthony Otto, LBCT  
Joe Mascola, ILWU Local 63

**ISSUE:**

Whether LBCT is in violation of the 2002 MOU and Section 1 of the PCCCD by allowing truck drivers' to insert driver identification cards into barcode readers.

**BACKGROUND:**

Joint Exhibit No. 6 is accepted on the record and confirms disagreement was reached at the JCLRC meeting of April 7, 2004 as it pertains to this issue.

The parties agreed to refer this issue to the Area Arbitrator pursuant to Section VI, Item (B)(8) of the Technology Framework.

This Arbitrator ordered all parties to be in attendance at the site of the dispute.

Preceding the hearing a complete tour and demonstration was afforded to all parties.

Questions and comments regarding this issue have been taken into consideration by this Arbitrator.

During the tour and demonstration the following was observed by this Arbitrator.

Every truck driver receiving or delivering cargo at LBCT requires a LBCT ID card. This card has a barcode on it that represents the truck company and the truck number. The driver pulls up to a pedestal, inserts the LBCT card, which identifies him as a driver, and a buck slip is printed out that the driver retrieves. The driver then proceeds through the OCR portal, which reads the container and chassis number and marries that to his truck company information.

At the conclusion of the tour and demonstration the hearing commenced with all parties in attendance.

UNION:

The Unions claim is straightforward and uncomplicated. When the truck driver inserts the card into the reader a violation of the 2002 MOU, Section 1 of the PCCCD and numerous arbitrations occurs at that instant.

On the record the Union claims that LBCT is attempting to streamline their gate operation.

As to a resolve, the Union offers to have a clerk insert the ID card into the reader and retrieve the buck slip for the trucker.

EMPLOYER:

The position of the Employer is that this issue is precisely what implementation of new technology is in relation to.

In addition, the Employer's reiterate that this barcode reader is the form of "new" technology bargained in the 2002 negotiations.

The Employer submitted Joint Exhibit No. 3, Part A, Item 3, which addresses work assignments that may be discontinued to the extent as unnecessary.


OPINION:

This issue is the rationale for the negotiation of Framework for New Technology. This allows the Employer to introduce new methods of operation without violating the 2002 MOU, Section 1 of the PCCCD or past arbitrations.

It is clear to this Arbitrator that the Union has failed to demonstrate that the Employer has violated the guiding principles of the 2002 MOU or Section 1 of the PCCCD as they pertain to this issue.

DECISION:

LBCT is not in violation of the 2002 MOU or Section 1 of the PCCCD with the implementation of the card reader as presented in this hearing.

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

David Miller  
Area Arbitrator Southern California

Dated: August 13, 2004