

ILWU-PMA JOINT COAST LABOR RELATIONS COMMITTEE

International Longshore and
Warehouse Union
1188 Franklin Street, 4th Floor
San Francisco, California 94109

Pacific Maritime Association
555 Market Street
Third Floor
San Francisco, California 94105

QUESTIONS AND ANSWERS REGARDING ADVANCING VACATION TIME FOR PAID SICK LEAVE

The following questions and answers are designed to address questions we anticipate workers will have related to the advancement of vacation payments as agreed to by the Coast Labor Relations Committee (CLRC) in CLRC Mtg. No. 29-20, Item (8).

1) Who is entitled to seek an advance vacation payment for sick leave?

Any active registered worker who was paid for a basic one-week or two-week vacation in 2020 may apply for an advance against his/her 2021 vacation benefit.

2) Is the advanced vacation benefit in lieu of receiving paid sick and family and medical leave under the CLRC's Agreement in CLRC Mtg. No. 29-20?

No, the advanced vacation benefit is separate from and in addition to receiving any paid sick and family and medical leave under the CLRC Agreement.

3) How much vacation will be advanced?

Workers who were paid for one-week of vacation in 2020 are eligible for one-week of advanced vacation pay. Workers who were paid for two or more weeks of vacation in 2020 may apply for a maximum of two weeks of vacation pay.

4) What rate will be used to pay the vacation advance?

The vacation advance payment will be paid at the individual's normal basic straight time rate. Any skill differential and additional weeks due to the individual will be paid as an adjustment in the normal vacation payment which will occur in February 2021.

5) How workers apply

Workers will fill out a COVID-19 Vacation Pay Advance Request form (see attached) indicating whether they are seeking a one-week or two-week advance payment and file it in the same manner that vacation claims are currently processed. Pacific Maritime Association (PMA) will review the requests and determine based on vacation paid in 2020 if the worker is entitled to the advance they

are seeking. If a worker has requested a two-week advance but only was paid for one-week in 2020, a one-week advance payment will be issued. If a worker did not receive any vacation pay in 2020 the request for an advance will be denied.

6) When will the worker receive the advance payment?

The worker will receive the advance payment in the payroll period immediately following approval of the requested vacation pay advance. For example, payroll runs each Tuesday for the prior Saturday to Friday work week. Payroll will process all requests received and approved before Monday from the week prior (Sunday is the review cutoff day). Approved payments then will be issued on Friday and the worker will see the vacation advance in the worker's paycheck both in hours and wages.

7) How will the advance be collected?

The worker will see an entry on their payroll check stub in February, March or June 2021 denoting the collection of the advance from 2020.

8) How will the advance be collected for a worker who does not have enough hours in 2020 (via working hours or vacation claim) to qualify for vacation payment in 2021?

In such instances the advance will be credited against an individual's future vacation qualifying year, or if the individual becomes separated from the industry and no future vacation qualifying year is possible, then the individual will be responsible for submitting such remittance to PMA.

9) If a worker's advance vacation pay request is denied, does the worker have any ability to grieve the decision?

Yes, a worker may file a vacation pay claim for review through the contract grievance machinery. Upon receipt of the vacation pay claim, the local parties will schedule a Joint Port Labor Relations Committee (JPLRC) meeting and such meeting will occur within 24 hours of the filing of the vacation pay claim, or the very next business day if a claim is received on a weekend or holiday, to determine the basis of the denial. Should the parties disagree on the denial after review of the basis for the decision, then the vacation pay claim may be submitted to an industry arbitrator assigned on a random basis for determination. The hearing of the pay claim will be scheduled by the arbitrator within 14 days.