

ILWU-PMA
JOINT COAST LABOR RELATIONS COMMITTEE

Post Office Box 7861
San Francisco, California 94120

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

Pacific Maritime Association
550 California Street
Sacramento Street Tower
San Francisco, California 94104

September 10, 2003

TO: All Joint Port Labor Relations Committees
Coast Arbitrator
Coast Appeals Officer
Area and Relief Area Arbitrators

RE: Section 13.2 Voluntary Withdrawal Form

The Joint Coast Labor Relations Committee has developed the accompanying form for use when an individual raises a claim of discrimination or harassment in violation of PCL&CA Section 13.2 and then wishes to withdraw the claim. The form is intended to be used in situations where a situation is resolved to the claimant's satisfaction prior to filing a Section 13.2 claim, as well as in situations where an individual has filed a Section 13.2 claim but wishes to withdraw it because the situation has been resolved to the claimant's satisfaction.

An arbitrator should only accept an individual's withdrawal of an already-filed claim if the individual has executed the Voluntary Withdrawal Form. Of course, the Employers or the Union may, in appropriate circumstances, elect to file or proceed with their own Section 13.2 claim(s) even where the complaining individual has withdrawn his or her claim, though in such cases, it may be difficult to establish a violation without the cooperation and testimony of the alleged victim.

Please also note that in cases where the reason that an individual declines to file or withdraws a grievance is due to alleged retaliation, the Employers or the Local Union should file or proceed with a Section 13.2 claim alleging both retaliation and the underlying incident of harassment or discrimination. In such circumstances, the JPLRC should meet with the grievant as soon as possible to secure cooperation and testimony for the arbitration hearing and to determine what, if any, additional steps need to be taken to protect the integrity of the grievance procedure and to protect the grievant from any retaliation pending resolution of the Section 13.2 procedures.

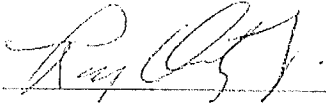
To All JPLRCs,
Coast Arbitrator, Coast Appeals Officer,
Area and Relief Area Arbitrators
September 10, 2003
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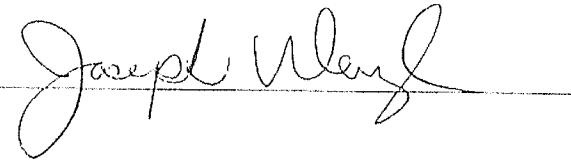
Please make sure that copies of this form are made available to all persons who may receive complaints regarding Section 13.2 violations, such as business agents, Union officers, walking bosses, superintendents, and PMA labor relations staff.

Very truly yours,

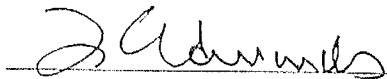
ILWU-PMA
JOINT COAST LABOR RELATIONS COMMITTEE

For the Union:





For the Employers:



Attachment

13.2 Voluntary Withdrawal Form

**VOLUNTARY RESOLUTION OF SECTION 13.2 COMPLAINT
PRIOR TO OR AFTER FILING UNDER PCL&CA GRIEVANCE PROCEDURES**

This is not a complaint or grievance form. By completing and signing this form, I recognize that I am either not filing or withdrawing a claim of violation of Section 13.2 of the PCL&CA. This is a confirmation of the voluntary resolution of a grievance or complaint concerning discrimination, harassment and/or retaliation related to employment under the Pacific Coast Longshore and Clerks' Agreement (PCL&CA).

I. MY NAME AND REGISTRATION NUMBER:

Name

Registration or Casual No.

II. THE FOLLOWING PROBLEM IS ALLEGED:

- A. Details of what happened:
(Please carefully and completely describe what happened, including dates, times, locations, persons involved, and witnesses. If you feel you need to attach additional pages, please do so.)

B. I did/did not file a section 13.2 complaint form (please circle one). (If complaint was filed, please attach a copy.)

III. SATISFACTORY RESOLUTION OF THE PROBLEM

The problem described above has been resolved to my satisfaction because of the following reasons. (Please describe what has been done or what has occurred to resolve the problem to your satisfaction. If you need to attach additional pages, please do so.)

IV. CONFIRMATION THAT THIS IS A VOLUNTARY RESOLUTION

By completing and signing this form, I confirm that the problem is resolved voluntarily and to my satisfaction, that I understand the right and the procedure to file a grievance regarding the problem and have it heard by the Area Arbitrator for a final and binding determination with appropriate remedies, that I freely choose not to have processed a formal grievance or have any other action taken concerning the problem, and that I sign this form voluntarily.

I understand that I may file a formal grievance if the resolution described above turns out to be unsatisfactory to me or if additional problems occur, subject to the time requirements of the Grievance Procedures as may be determined by the Area Arbitrator. I further understand that the Section 13.2 policy prohibits retaliation for using the grievance procedure.

Signature of Complainant

Date

V. CONFIRMATION BY UNION OR EMPLOYER REPRESENTATIVE

The problem described above has been discussed with the complainant who confirms that the matter is voluntarily resolved to his or her satisfaction as stated above. Accordingly, no further action will be taken unless the Complainant in the future files a written grievance under the PCL&CA. This document will be kept on file with the JPLRC and copies will be sent to both parties by the undersigned.

Signature

Date

Title and Organization