

**ILWU LOCAL 26
WATCHMEN'S AGREEMENT**

July 1, 2008 – July 1, 2014

AGREEMENT

Between

**INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION**

Acting on Behalf of Local 26

And

PACIFIC MARITIME ASSOCIATION

*On Behalf of the following Los Angeles-
Long Beach Harbor Area employers of IWL
Watchmen:*

Hanjin Shipping Company, Ltd., Stevedoring
Services of America, APM Terminals Pacific, Ltd.,
Long Beach Container Terminal, Inc.

Name _____

Port _____

Local 26 Reg. No. _____

ILWU Watchmen's Agreement
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ILWU WATCHMEN'S AGREEMENT 2008-2014 AGREEMENT

Between

PACIFIC MARITIME ASSOCIATION

(For Covered Employers)

and

LOCAL 26

of the

**INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION**

This AGREEMENT, effective July 1, 2008, is by and between Local 26 of the International Longshore and Warehouse Union, such Local hereinafter referred to jointly as the "Union," and the Pacific Maritime Association on behalf of the covered Employers of watchmen, hereinafter referred to as the "Employer."

ARTICLE 1

RECOGNITION AND JURISDICTION

- A. The Employer recognizes the Union as the Collective-Bargaining Agent for its security employees in the Los Angeles/Long Beach harbor area, including on-dock and near-dock rail, container yards, extensions of existing and future yards, and Container Freight Station (CFS) work established after July 1, 1999, who are classified as sergeant, gatemen, dockmen and cargo watchmen, clockmen, traffic watchmen, gangway watchmen, detainee watchmen and/

or cabin watchmen. Watchmen may also be assigned work to drive buses and/or vehicles, act as rovers, perform rail security, and utilize tools, technology, and electronic devices in the performance of traditional watchmen's work as required by the Employers. This Agreement covers new work and those work assignments that, in the past, have been assigned by covered Employers to security employees under this Agreement.

B. The parties to the Agreement are committed to maintaining the long-standing "status quo" understanding as to distributions of work assignments among the watchmen group. Such recognition means the "status quo" understanding is to utilize ILWU watchmen.

C. Armed Security

It is neither the intent of the Employers to use armed security, employ armed security, nor permit customers to bring property onto the terminals accompanied by armed security.

In the event circumstances should arise requiring armed security, the Employers shall utilize the services of the police, Harbor Department, INS, or Customs Department, depending on the nature of the problem, whose performance shall be limited to traditional law enforcement duties. Should the Employer deem it necessary to use armed security, such security shall be performed by employees covered by this Contract who shall be called to work for each armed security utilized. In the event Local 26 watchmen are not available, Local 26 watchmen shall be paid time in lieu for each armed security utilized.

D. Under no circumstances shall private security, police, or other governmental agencies be utilized as substitutes for Local 26

watchmen or to perform duties under past practices covered by this Agreement.

- E. In the event of sale or transfer of the ownership of an Employer, the Union will receive reasonable advance notice.
- F. When monitoring is required for the scanning of passengers or luggage by x-ray equipment, such work will be performed by employees covered under this Agreement.
- G. When monitoring is required of persons or property for security purposes, whether or not scanners, x-ray machines, or other technology is utilized, such work shall be performed by employees covered under this Agreement.

ARTICLE 2

DEFINITIONS AND DUTIES

For the purpose of this Agreement, the following definitions shall apply:

- A. A gateman is a person stationed at an entrance to the Employer's place of business to control the entrance and exit of persons and vehicles as directed by the Employer.
- B. Dock and cargo watchmen, barge watchmen, and clockmen are watchmen employed on the pier or terminal for either routine protection of property or for the special protection of specific property to which they are assigned against loss by damage, theft, or other cause.
- C. Gangway watchmen are watchmen employed at the gangway of a ship to control the boarding of persons and for the protection of property against loss by theft or other cause as directed by the Employer.

- D. Watchmen, in the course of their duties, may be directed by their Employer to additional duties including, but not limited to, the following:
- (1) Rover watchmen to travel within the confines of the installation for protection of property against loss by theft or fire and against unauthorized person or persons gaining entrance to the property. When directed by the Employer, rover watchmen shall be assigned to travel outside terminal boundaries.
 - (2) Bus drivers and/or vehicle operators to transport authorized personnel to and from the vessels and/or other point as authorized by the company.
 - (3) When directed by the Employer, traffic watchmen shall be assigned to travel outside the terminal boundaries or within the facility to regulate vehicular and pedestrian traffic. The parties recognize that extenuating circumstances in regard to health and safety may occur that necessitate management intervention. In such cases, employees shall be immediately called to the area.
- E. Watchmen to monitor video terminals or similar technology for security purposes. This does not prohibit management from monitoring video terminals or similar technology for operational needs.
- F. When a detainee watch or cabin watch is required on the vessels or at the facilities of the Employers party to this Agreement, ILWU Local 26 watchmen shall be employed.
- G. Watchmen shall perform all duties associated with and in conjunction with rail security pursuant to this Agreement as designated by the Employer.

- H. Watchmen's duties include hooking up ship's telephones and reviewing recorded security information for various purposes.
- I. Lead Sergeants – There shall be a lead sergeant at each facility. At each location, lead sergeants shall be responsible for the direction of the workforce under the direction of the terminal management. The lead sergeant will be a “working” sergeant and may also work as the shift sergeant.
- J. Shift Sergeants – When one or more watchmen are employed on any single facility, on each shift, one of the watchmen will be a sergeant. Shift sergeants shall carry out the work assignments of the lead sergeants and direct watchmen's work on their shift.
- K. Working Sergeant Duties – Lead and shift sergeants shall be employed at each existing and future facility in accordance with past practice as required by the Employer:
- (1) Prepares daily payroll for watchmen.
 - (2) Places daily orders for watchmen in the Dispatch Hall as instructed.
 - (3) Orders watchmen as needed.
 - (4) Ensures that required security logs are prepared and maintained.
 - (5) Assigns daily work to watchmen and sergeants.
 - (6) Makes schedule for all shifts.
 - (7) Supervises watchmen through management direction.
 - (8) Ensures that all watchmen have a copy of the Contract, terminal operating policies, safety procedures, Rail Safety Manual, and Security Procedures Manual.

- (9) Ensures that all watchmen are scheduled for watchmen training classes.
 - (10) Ensures that watchmen are in proper uniform. Ensures information is passed on to relieving watchmen and sergeants.
 - (11) Evaluates probationary and emergency watchmen.
 - (12) Makes certain all watchmen have required safety equipment and communication devices and that such equipment is in working order.
 - (13) Coordinates security activity as directed by the Employer and reports to management.
 - (14) Any other duties as directed by the Employer once the aforementioned list has been completed to the satisfaction of management and the sergeant.
- L. The parties recognize that watchmen work assignments vary from terminal to terminal. Security work performed at the gates shall not be assigned to others. Security work recognized as watchman's work shall not be assigned to others. It is also recognized that the posted company working procedures describe the general work assignments at each terminal. These posted assignments, which are also contained in the Security Procedure Manual and Rail Safety Manual, are considered an addendum to this Agreement. The work assignments apply to any additional company facility as described in Article 1.
- M. Specific Terminal Duties (See Addendum).
- N. All words, terms, or definitions of employees used in the Collective-Bargaining Contract are used as being words of common gender, and not as being words of either male or

female gender, and hence have equal applicability to female and male persons wherever such words are used.

- O. An individual "Employer," bound hereby, is a member of the Pacific Maritime Association that is named on the signature page hereof, and shall be an "Employer" under the provisions hereof only for the area or areas to which he is named on the signature page hereof.

ARTICLE 3

EMPLOYMENT AND TRAINING

- A. The Employer shall be free in the selection of his regular employees and in determining the number of men to be employed and assigning them to their duties. The Employers shall have the right to assign an employee to any work shift. Reasonable advance notice of a change in an employee's normal work shift assignment shall be given to the employee.
- B. Where the Employer is now ordering watchmen from the Dispatch Hall, he will continue to do so as long as men satisfactory to him are available. If the Union cannot furnish such watchmen, the Employer may make such other arrangements, as he deems necessary under the terms of this Agreement.
- C. When a watchman performs various duties, as defined in Article 2 (Job Definitions) during a working shift, he shall be responsible only for the job he is performing at the time of performance.
- D. The parties agree to the principle of Employer-sponsored training for watchmen to improve their skills and better enable them to perform the increasing responsibilities

and duties of an ILWU watchman. All watchmen shall be required to participate in and pass each PMA training class during the Contract period. This training will consist of six (6) eight- (8) hour classes for first aid and CPR, two (2) eight- (8) hour classes for general safety training, two (2) eight- (8) hour classes for diversity/sensitivity, and a minimum of two (2) eight- (8) hour classes for fire extinguisher utilization, terrorism, crowd control, security guard awareness, material safety data sheet (MSDS), HAZMAT and other regulatory-required training. These classes shall be held annually during the months of April through October. Additional training shall be provided as required.

Satisfactory completion of this training is mandatory as a condition of employment. Watchmen shall be paid eight (8) hours for each class they have successfully completed. The Union shall participate in the scheduling and content of the classes.

- E. The parties agree to the principle of promotions on the basis of company seniority and qualifications. Qualifications are to be determined by the Employer and shall include competency and ability to perform watchmen duties, to direct security work, to effectively communicate with management while securing conformance to the Agreement, and to maintain and promote harmonious relations on the job and between the parties to this Agreement. There shall be no favoritism and/or discrimination in promotions or elevations. The company shall provide training. The Employers shall post job openings for sergeants at the guard facility and with the Union simultaneously. Watchmen shall submit an application to the designated management representative and submit a copy to

the Union. The job posting must be displayed for a minimum of five working days. The successful candidate and the Union must be notified within 30 days. If a successful candidate is not found, the Employer may post the job opening at other facilities and simultaneously submit a copy to the Union.

- F. No persons, other than registered watchmen, shall be offered a sergeant position. Training shall be provided by the Employer.

ARTICLE 4

HOURS, MEALS AND BREAKS

- A. There shall be no start to finish assignments. Extended time shall be limited to two hours maximum. Time paid shall not be construed as time worked.
- B. A normal work shift shall be eight (8) hours. Watchmen may, however, be required to work extended time before or after a shift when deemed necessary by the Employer.
- C. Watchmen are entitled to two (2) fifteen-(15) minute breaks within an eight- (8) hour shift. Each break period shall be around the midpoint of each four- (4) hour period, having due regard for the continuity and nature of the work. Watchmen working a ten- (10) hour shift shall receive an additional fifteen- (15) minute break around the end of the eighth (8th) hour, having due regard for the continuity and nature of the work.
- D. In the event of relief failing to report, the watchman on duty shall remain until relieved, and the Employer will endeavor to secure such relief promptly.
- E. All future shift assignments of steady employees shall be

on a voluntary basis with all qualifications being equal, the most senior employee having first choice. If no employee volunteers for a specific shift assignment, the least senior employee with qualifications shall then be so assigned by the Employer.

- F. Each watchman shall be entitled to a mid-shift meal period, having due regard for the continuity and nature of the work. The mid-shift meal period shall be around the midpoint of the eight- (8) hour shift, regardless of whether the watchman works an eight (8) or ten- (10) hour shift. Watchmen shall not be denied a meal period.

ARTICLE 5

WAGES

- A. Effective 8:00 a.m., July 1, 2008, the hourly rates of pay shall be as follows:

Straight time	\$24.97 per hour
Overtime rate of 1.5 times	\$37.46 per hour

Effective 8:00 a.m., July 4, 2009, the hourly rates of pay shall be as follows:

Straight time	\$25.47 per hour
Overtime rate of 1.5 times	\$38.21 per hour

Effective 8:00 a.m., July 3, 2010, the hourly rates of pay shall be as follows:

Straight time	\$26.47 per hour
Overtime rate of 1.5 times	\$39.71 per hour

Effective 8:00 a.m., July 2, 2011, the hourly rates of pay shall be as follows:

Straight time	\$27.47 per hour
Overtime rate of 1.5 times	\$41.21 per hour

Effective 8:00 a.m., June 30, 2012, the hourly rates of pay shall be as follows:

Straight time	\$28.47 per hour
Overtime rate of 1.5 times	\$42.71 per hour

Effective 8:00 a.m., June 29, 2013, the hourly rates of pay shall be as follows:

Straight time	\$29.47 per hour
Overtime rate of 1.5 times	\$44.21 per hour

- B. Effective the payroll Saturday following ratification, the hourly rates of pay for sergeant differential shall be as follows:
- Shift sergeant differential is \$3.00 per hour.
 - Lead sergeant differential is \$4.00 per hour.
- C. Effective the payroll Saturday following ratification, the hourly rates of pay for night shift differential shall be as follows: Night Differential of \$1.00 per hour from the hours of 1800 to 0600.
- D. Uniform Maintenance and Replacement Fee. Effective the payroll Saturday following ratification, each registered watchman shall be paid a Uniform Maintenance and Replacement Fee of fifty (50) cents per watchmen work hour.
- E. Uniform allowance. Watchmen registered subsequent to September 1, 1984, shall be paid their \$250 uniform allowance on the first Friday of the month following registration.

ARTICLE 6

RATE OF PAY

- A. The workday shall be 8:00 A.M. The workweek shall be the same as the PMA payroll week, i.e., 8:00 A.M. Saturday to 8:00 A.M. Saturday.
- B. The straight-time rate of pay shall prevail for any work from 8:00 A.M. Monday to 8:00 A.M. Saturday, except that the overtime rate of 1.5 times the straight-time rate shall be paid for any work in excess of eight hours on any one shift.
- C. The overtime rate of 1.5 times the straight-time rate shall prevail for any work from 8:00 A.M. Saturday to 8:00 A.M. Monday and from 8:00 A.M. on a holiday to 8:00 A.M. the following day.

ARTICLE 7

DAILY GUARANTEES

- A. Watchmen reporting to work as ordered shall receive a minimum of eight hours' work or pay at the prevailing rate, unless they quit or are discharged for cause, in which case they shall be paid for actual time worked.
- B. Accompanying the obligation placed upon the Employer to furnish eight hours' work is the obligation on the part of the watchmen to shift from one assignment to another for the same Employer at the same location.
- C. When a vessel is working at a container terminal and a bus or van driver is required, the watchman will not be shifted to other work while the vessel is still working and there are also individuals to be transported on the terminal to and from

the vessel to the outside gate. When a gangway watchman is employed, he will not be shifted to other work until the gangway is raised. Torpedo watchmen will not be shifted until the duties are completed in accordance with the Navy's requirements. Detainee or cabin watchmen shall not be shifted until the vessel departs or the detainees are removed from the outside gate of the facility.

ARTICLE 8

REGULAR AND STEADY EMPLOYEES

A. Employment and Training

(1) Criteria for hiring steady employees shall be:

- (a.) Newly Registered Watchmen shall not be eligible for steady employment until they have completed two (2) years of registered employment in the Hall with a minimum of 800 active hours per each year.
- (b.) Watchmen shall not be eligible for steady employment for six (6) months when they have been found guilty, by the JWLRC, of dispatch violations as per the Contract Rules and Procedures.
- (c.) Vacancies for steady employment shall be in writing and posted at all terminals for (14) fourteen calendar days (2 weeks), with a copy sent to Local 26, Local 26 Stewards, and the PMA.
- (d.) Steady watchmen found guilty twice by the JWLRC of chiseling or gimmicking Dispatch Rules and Procedures shall be released from steady employment in addition to any disciplinary action administered by the JWLRC, as outlined in Special Meeting

#15-99. Additionally, any watchmen found guilty for a second offense shall not be eligible for steady employment for a minimum of six months.

- (e.) Employers shall notify the Union, verbally and in writing, within 72 hours when a steady watchmen is hired or released from steady employment.
 - (f.) The Employers shall notify the Union in writing of all applicants for each steady position to be filled.
 - (g.) Reduction of steady employees who are not sergeants shall be based on terminal seniority.
- B. Vacant steady positions shall be posted and filled by registration seniority date and qualifications. The postings shall state shift, and whether the posting is for a weekly or monthly steady position, shift or lead sergeant position.
- C. Regular Employees. The Employer shall be permitted to designate and employ regular employees on a steady monthly basis. The Employer shall regularly furnish a list of such designated employees who shall be accepted by the Joint Labor Relations Committee.
- (1.) Regular, steady monthly watchmen shall work the schedule as set by their Employer without limitation. However, in no instance shall steady watchmen be required to work more than five (5) days per payroll week. A guarantee at a minimum of 173 hours per month at the basic straight-time rate shall be paid to regular watchmen employed on a steady monthly basis. In any month during which work of five (5) days per payroll week does not provide for 173 hours of work opportunity, the guarantee shall be prorated. Such guarantee shall be paid irrespective of how long an individual is retained during any month

as a steady monthly watchman, provided, however, that should such steady monthly watchman be released for cause during any month, the guarantee shall be prorated over the period such employee was retained as a steady monthly watchman.

- D. Steady Weekly Employees. The Employer shall be permitted to select and employ steady employees through the Dispatch Hall on a weekly steady basis. Weekly steady employees shall be provided with a weekly guarantee as provided in local working rules.
- (1.) A guarantee at a minimum of 40 hours per week at the basic straight time rate shall be paid to regular watchmen employed on a steady weekly basis.
 - (2.) Such Guarantee shall be paid irrespective of how long an individual is retained during any 5 day work week provided however that should such steady weekly watchmen be released for cause during any such week or days; the guarantee shall be prorated over the period such employee was retained as a steady weekly watchmen
- E. The monthly and weekly guarantees set forth in a(1) and (c) above shall not apply when work is limited due to others being on strike. In such cases, the applicable guarantee shall be prorated.

ARTICLE 9

HOLIDAYS

- A. The following holidays shall be recognized: New Year's Eve Day, New Year's Day, Martin Luther King's Birthday, Presidents' Day, Cesar Chavez' Birthday, Memorial Day,

Independence Day, Bloody Thursday, Harry Bridges' Birthday, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Christmas Eve Day, Christmas Day, or any other legal holiday that may be proclaimed by state or national authority. When a holiday falls on Sunday, the following Monday shall be observed as the holiday. On Election Day, the work shall be so arranged as to enable the men to vote.

B. Paid Holidays. The following holidays shall be recognized as "paid holidays": Martin Luther King's Birthday, Presidents' Day, Memorial Day, Independence Day, Harry Bridges' Birthday, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, and New Year's Day.

(1.) Eligibility for Paid Holidays. Only registered employees are entitled to receive a "paid holiday," provided:

(a.) They have registration status on the date of the "paid holiday," and

(b.) Have worked 1,200 hours in the prior payroll year.

(2.) Payment. Registered employees eligible for a "paid holiday" shall receive eight (8) hours at the basic straight-time rate of pay. Registered employees eligible for a "paid holiday" shall receive payment, whether they work or not. When registered employees who are eligible for a "paid holiday" perform work on such holiday, their additional payment for working shall be as prescribed in Article 6. Registered employees not eligible for a "paid holiday" and nonregistered employees who perform work on any of the paid holidays listed in (b) above shall be paid for working as prescribed in Article 6.

- (3.) Disbursement. Payment for each “paid holiday” shall be made on that day, which is the regular payday for disbursing payroll checks for the payroll week in which the “paid holiday” falls. The Pacific Maritime Association shall be the disbursing agent for such payments.
- C. Holiday Availability. The Union agrees that employees shall be available to meet the Employers’ work requirements on all holidays.
- D. Holidays falling on a Saturday will be recognized on the prior Friday.
- E. Watchmen shall not be required to work an additional day to fulfill their five (5) day obligation when a paid holiday falls within the holiday payroll week.

ARTICLE 10

VACATIONS

All provisions of “SECTION 7 - VACATIONS” of the Pacific Coast Longshore Contract Document shall be applicable to watchmen.

- A. In any payroll year, each watchman who is registered and qualified on December 31 of the calendar year in which he earns his vacation shall receive a vacation with pay the following year at the straight-time hourly rate to which the employee was entitled on January 1 of the calendar year in which vacations are paid. The computation shall be as follows:
- (1.) Qualifying hours required for a basic one- (1) week vacation with pay should be 800 hours in a payroll year.
Qualifying hours required for a basic two- (2) week

- vacation with pay should be 1,300 hours in a payroll year.
- (2.) One additional week of vacation with pay if he shall have qualified for at least two (2) weeks of basic vacation and, if in each of any eight (8) of his past years of service, he shall have qualified for at least a one- (1) week basic vacation.
 - (3.) One additional week vacation with pay if he shall have qualified for at least one (1) week of basic vacation and, if in each of any 17 of his past years of service, he shall have qualified for at least a one- (1) week basic vacation.
 - (4.) One additional week vacation with pay if he shall have qualified for at least one (1) week of basic vacation and, if in each of any 23 of his past years of service, he shall have qualified for at least a one- (1) week basic vacation.
 - (5.) One additional week vacation with pay if he shall have qualified for at least one (1) week of basic vacation and, if in each of any 25 of his past years of service, he shall have qualified for at least a one- (1) week basic vacation.
 - (6.) Each week's vacation pay shall be 40 times the employee's straight-time rate of pay, except watchmen from the age of 60 or over who have 1,200 or more qualifying hours during the payroll year shall receive 45 times the straight-time rate per week, and watchmen under the age of 60 who have 1,500 or more qualifying hours during the payroll year shall receive 45 times the straight-time rate per week.

- (7.) Qualifying hours for vacation purposes shall include all hours for which pay is received.
 - (8.) Qualifying hours shall be limited to hours paid for by individual Employers or parties to this Contract Document.
 - (9.) Those watchmen who have worked during the payroll year but have insufficient qualifying hours for a vacation due to illness or injury shall qualify for vacation based on hours worked during the four (4) payroll quarters preceding the quarter in which the injury or illness occurred.
 - (10.) Paid Vacation / Holiday hours are included with hours worked for calculations of a Pension qualifying year.
- B. Years of service under Items (a) 2, 3, 4, and 5:
- (1.) Continuous absence from employment because of industrial illness or injury arising out of employment under this Contract Document compensated for under a State or Federal Compensation Act shall be considered qualifying time.
 - (2.) Temporary absence from employment due to compensable temporary partial disability because of industrial illness or injury shall be considered qualifying time.
 - (3.) Service in the Armed Forces of the United States or employment by the United States as a civilian in longshore operations in World War II and the Korean War that occurs after registration shall be considered qualifying time.
 - (4.) When any watchman is absent less than the full calendar year, he shall receive only proportionate credit for qualifying time.

C. Vacation Procedure

- (1.) Each registered watchman entitled to a vacation shall take his vacation when scheduled.
- (2.) A registered watchman whose registration is cancelled after he shall have fulfilled all requirements for a vacation during the previous payroll year shall receive vacation pay at the time agreed to by the parties.
- (3.) If a registered watchman dies after he has worked the required hours for a vacation, his vacation pay will be paid to his widow or beneficiary.
- (4.) If a registered watchman retired under the ILWU-PMA Pension Plan after he has worked the required hours for a vacation, he shall receive his vacation pay at the time agreed to by the parties as set forth in Item (d)4.

D. Administration

- (1.) Each Employer agrees to pay a proportionate share of the vacation pay of each watchman working in the amount of and the eligibility for such vacation to be fixed in accordance with Article 10, and the individual share of each Employer to be determined.
- (2.) The individual Employer will be liable for a share of the vacation pay payable to every watchman.
- (3.) The Pacific Maritime Association shall be the disbursing agent under this checks are made available in each port area. Vacation checks will be available for distribution in the first full payroll week of March of the calendar year in which vacations are paid. A second distribution of vacation checks based on timely claims will occur in

the first full payroll week of June.

- (4.) In addition to the regular distribution of vacation paychecks as set forth above, there shall be two additional vacation pay distributions for vacation benefits earned in the current year for new retirees only. Such distributions shall occur in the first full payroll week in August and in the first full payroll week in December. These current year computations made in August and December shall be based on the prior year's average port hours.
- (5.) Any public port or commission may become a party to this vacation agreement by notifying the Union and the Association prior to the first day of the calendar year in which the vacation is to be taken. Similarly, any or all the Armed Services may become parties. In the event that one or more public ports or Armed Services becomes a party to the Agreement, said port(s) or Service(s) shall be placed in the same status as an individual Employer member of the Pacific Maritime Association for all the purposes of this Agreement.
- (6.) Nonmember Employers may participate in the vacation plan in accordance with the conditions thereon fixed by the Association.

ARTICLE 11

PENSIONS AND 401(K) PLAN

A. For Watchmen who retire On or After July 1, 2008, under the ILWU-PMA Watchmen Pension Plan:

- (1.) Effective July 1, 2011, for those registered watchmen retiring on or after July 1, 2008, the rate of pension will

increase by \$10.00 to \$113.00 per month per year of qualifying service.

- (2.) Effective July 1, 2012, for those registered watchmen retiring on or after July 1, 2008, the rate of pension will increase by \$10.00 to \$123.00 per month per year of qualifying service.
- (3.) Effective July 1, 2013, for those registered watchmen retiring on or after July 1, 2008, the rate of pension will increase by \$10.00 to \$133.00 per month per year of qualifying service.

B. For Watchmen who retire prior to July 1, 2008, under the ILWU-PMA Watchmen Pension Plan:

- (1.) Effective July 1, 2008, for those registered watchmen who retired prior to July 1, 2008, increase the pension benefit by \$4.00 per month per year of qualifying service.
- (2.) Surviving Spouses under the ILWU-PMA Watchmen Pension Plan who retire on or after July 1, 2008 shall receive an increased pension benefit equal to 75% of the amount per month per qualifying year of service that would have been received by the applicable watchmen, were he still alive.
- (3.) Limited Early Retirement Incentive Window

Eligibility — The program will be offered to any registered watchmen participant who:

- (a.) Submits an application for retirement under the Pension Plan (with all required documentation completed) between August 1, 2009 and January 31, 2010 or between August 1, 2012 and January

31, 2013, and thereby agrees to accept permanent deregistration; and

- (b.) As of the effective date of such application, is at least 59-1/2 years old; and
- (c.) As of the date of such application, has accrued at least 13 qualifying years of service under the Pension Plan.

NOTE 1: The Bridge Benefit continues to require at least 25 pension qualifying years and is subject to the usual adjustments for retirements starting before age 62.

NOTE 2: The Social Security Supplementation Benefit is payable to those eligible upon receiving Social Security. In case of death prior to receiving the Social Security Supplementation Benefit, the Benefit will be paid to the qualified Surviving Spouse or Surviving Dependent Children per Section III.8.

Benefits — An eligible Participant who applies for the program will receive (subject to any limitations imposed by the Internal Revenue Code) unreduced pension benefit, i.e., his or her pension benefits will be paid without the actuarial reduction that otherwise applies to early retirement pension benefits under the ILWU-PMA Pension Plan.

- (4.) Effective July 1, 1993, each registered watchman who retires under the ILWU-PMA Watchmen Pension Plan on or after July 1, 1993, shall receive pension qualifying years up to 35 years of service.

- (5.) For retirements after July 1, 2008 the maximum number of years of service shall be increased from 35 to 37.
- (6.) Items above are subject to the limitations imposed by Section 415 of the Internal Revenue Code, and appropriate adjustments for qualified payees claiming benefits attributable to the participation of such watchmen and for such ancillary benefits to which any payee may be entitled.

Funding

Conform the plan to implement those changes resulting from changes in applicable law.

- (7.) Time spent on a 90-day leave of absence approved by the Joint Watchmen's Labor Relations Committee and/or medical disability shall be considered as hours worked for the purpose of qualifying for pension benefits.

EMPLOYER CONTRIBUTION TO WATCHMEN'S 401(K) FUND

The Employers agreed to contribute to a fund each year of this Agreement an amount sufficient to provide to the 401(k) account of each registered watchman a contribution of \$1.00 per hour. The payment shall be for hours paid by PMA member companies signatory to the Agreement for work at watchman occupation codes in the previous Contract year up to a maximum of 2,000 hours to those who have established a pension qualifying year.

The contribution will be made to each account as soon as practicable following the end of each Contract year.

This is subject to the limitation imposed by Sections 401(a), (k),

and (m) of the Internal Revenue Code and any other applicable IRS and ERISA regulations.

ARTICLE 12

WELFARE

Watchmen shall be entitled to the same welfare benefits as longshoremen and clerks as provided by the ILWU-PMA Welfare Plan 2008-2014 MOU.

The Parties further agree to the value espoused by the Union and the Employers of Maintenance of Benefits. "Maintenance of Benefits" is defined by the Parties as the Employers agreeing to maintain all present benefits under the ILWU-PMA Welfare Plan, for the term of the Agreement, and to continue the funding of these benefits as in the past.

A. The Coastwise Indemnity Plan Chiropractic Benefit shall be amended as follows:

- (1.) Visits will be limited to forty (40) visits per Plan Year except where the Welfare Plan Chiropractic Consultant decides additional visits are medically necessary.
- (2.) PPO.....100% of PPO Charges
 Non-PPO.....80% of UCR Charges
 No PPO Access.....100% of UCR Charges

B. After July 1, 2002, new registrants and their dependents, on the first of the month following registration (with no requirement for 400 hours of work for initial eligibility for coverage), be covered by the HMO programs for the first eighteen (18) months of registration. After 18 months of registration, the member will have a choice of HMO or Coastwise Indemnity Plan coverage and normal welfare plan eligibility requirements

shall apply.

(1.) The Trustees of the Welfare Plan may provide on an “exception basis” that a person eligible for HMO coverage under this provision may be provided limited coverage under the Coastwise Indemnity Plan specific to any serious health condition for which they are receiving treatment when Welfare Plan coverage begins.

C. Prescription contraceptives shall be added to the Indemnity Plan.

D. Durable Medical Equipment shall be added to the HMO Plan.

E. Coastwise Indemnity Prescription Drug Plan:

(1.) Provide that the maximum prescription dispensed at any one time is a 30 days’ supply for retail (100 days’ supply when prescribed by the patients’ doctor as a maintenance drug) and 90 days for mail order prescriptions. There will be no changes to any existing overrides.

F. Time spent on a 90-day leave of absence approved by the Joint Watchmen’s Labor Relations Committee and/or medical disability shall be considered as hours worked for the purpose of qualifying for welfare benefits.

G. Choice Ports

Within 270 days of ratification of the Agreement and not thereafter, a “nonchoice” port will be changed to “choice” port status if the Joint Trustees agree that there exists in such “nonchoice” port an HMO that provides services and facilities identical with or comparable to the services and facilities provided by HMOs in the present “choice” ports.

H. Definition of Dependent Spouse and Dependent Child

The Joint Trustees will review the list of eligible participants within the definitions of dependent status that exist at present for the purpose of preventing abuses.

I. Self-Treatment Equipment for Diabetics

Provide self-treatment durable equipment for diabetics when prescribed by a physician as medically necessary, provided that such durable equipment is for the treatment of a condition judged to be permanent and further provided that only one (1) such piece of equipment shall be provided to a family.

J. Life Insurance

Effective July 1, 1990, Life Insurance and AD&D for retirees shall be increased by \$2,000, from \$3,000 to \$5,000.

K. Welfare Plan Deductible

Modify provisions of ILWU-PMA Welfare Plan, Section 1.34(c), to reduce the thirteen (13) years to ten (10) years.

ARTICLE 13

DISPATCH AND AVAILABILITY

- A. The dispatch of watchmen shall be in accordance with procedures adopted under local rules or understandings between the parties.
- B. Hall employees shall be entitled to two (2) full days off each payroll week, having due regard for the workload of the Employers. For each day of failure to be available as required, there shall be an addition of eight (8) hours to their dispatch hours.

C. Watchmen violating or gimmicking Dispatch Rules and Procedures shall be subject to discipline up to and including deregistration.

D. Reaps or Flops

- (1.) “Reap” refers to Replacement – A replacement is the request for, or act of replacing oneself for the job. – Once a watchman has reported to work but later reaps the job, such watchman must cover the job until his replacement arrives on the job unless there is a reasonable cause due to extenuating circumstances and/or emergency.
- (2.) “Flop” or flopping refers to making yourself available for work and failing to pick up a job.
- (3.) The JWLRC will investigate the monthly work history of excessive reaps and flops. The JWLRC has agreed to meet, investigate, and adjudicate all registered watchmen work patterns and check-in history of reaps and flops; specifically to focus on a combination totals in excess of 6 reaps and or flops in a calendar month. Watchmen found guilty of more than 6 reaps or flops will be subject to the grievance procedures and any disciplinary action administered by the JWLRC.
- (4.) Registered Watchmen reaping and or flopping more than six (6) times in a calendar month shall be prohibited from working a 6th or 7th day and any double shifts in the following month.
- (5.) When such registered watchmen are found to be in violation of such rule for the 4th (fourth) time, such watchmen shall be subject to the disciplinary procedures outlined in Special Meeting #15-99 beginning with 30 days time-off.

E. Availability

- (1.) Registered Watchmen have an obligation to work five (5) days per payroll week. Watchmen working less than sixteen (16) days per calendar month, with the exception of illness, family illness, holiday, vacation, or other reasonable cause determined by the JWLRC, shall be considered in violation of their availability obligation. The Committee has agreed to meet, investigate, and adjudicate all registered watchmens' work and availability patterns.
- (2.) All registered watchmen failing to meet the availability requirements, in a calendar month, will be subject to the grievance procedures and any disciplinary action administered by the JWLRC, as outlined in Special Meeting # 15-99. Progressive discipline penalties will remain on the watchmen's record for only (2) two years and will not be further considered in connection with future progressive penalties after the expiration of the (2) two year period.

ARTICLE 14

REGISTRATION

- A. The Joint Labor Relations Committee shall maintain a registration roster. The roster shall be kept current and employees shall be removed from the roster because of death, retirement, lack of availability, and disciplinary action, or for any just cause as determined by the Joint Labor Relations Committee.
 - (1.) Registered watchmen shall, subject to the approval of the Joint Labor Relations Committee, be given a leave of absence up to 90 days for extenuating

circumstances. Registered watchmen who fail to work, except when on approved leave, with facts and reasons for their absence not acceptable to the Joint Labor Relations Committee, are subject to deregistration.

The burden is placed upon the individual watchman to provide the Joint LRC with documentation and/or information explaining absences of over 90 days from the industry that have not been approved by the Watchmen's Labor Relations Committee.

- (2.) Subject to advance approval by the Joint Labor Relations Committee of each port, registered watchmen may transfer from San Francisco to Los Angeles or vice-versa.
- (3.) Watchmen who are found guilty of theft, pilferage, broaching, or for aiding and abetting or for any type of stealing of cargo and/or company or personal property shall be automatically deregistered.

B. New Employees

- (1.) Applications for employment will be made available by the Joint Labor Relations Committee when the adding of new employees is agreed to by the Committee. The Joint Labor Relations Committee shall set standards and review all applications received and shall interview those applicants whose applications are acceptable. Those applicants held by both parties to be best qualified shall be added as new employees in numbers determined by the Committee. Applicants shall be considered unqualified if they are not bondable under a policy established by the Employers or meet required standards and criteria

determined by the Committee.

- (2.) ILWU/PMA registration shall be granted to watchmen who satisfactorily complete their “probationary period based on required standards and other criteria established by the Committee,” subject to Joint Labor Relations Committee agreement with any dispute between the Employer and the local Union as to such registration being subject to resolution through the grievance machinery. All watchmen shall, prior to registration, be required to take and pass a physical examination and drug and alcohol screening as arranged by the Joint Labor Relations Committee. The examination shall be limited to satisfying the requirements of watchmen’s work. The cost of the initial physical examination and drug and alcohol screening shall be borne by the Employers.
- C. An applicant who has not been accepted as a registered watchman, but who has completed his ninety-day (90) probationary period, may appeal for review of this decision before the Joint Labor Relations Committee.
- D. On a quarterly basis, the parties agreed that the Pacific Maritime Association will provide the president of ILWU Local 26 a list of all hours worked (by shift) for all registered and emergency watchmen. This list is being provided in conjunction with analysis of future registration.
- E. The following is subject to the approval of the Joint Watchmen’s Labor Relations Committee:
 - (1.) The number of watchmen registered and the number of emergency watchmen hired shall be determined by the number of jobs available so that all jobs are filled each day.

BONDING PROVISIONS

ARTICLE 15

NO DISCRIMINATION

ARTICLE 16

NO STRIKES, LOCKOUTS, AND STOPPAGE OF WORK

ARTICLE 17

- (2.) Registered watchmen vacancies resulting from attrition shall be filled subject to available work opportunity.

ARTICLE 15

BONDING PROVISIONS

All registered watchmen shall be bonded in accordance with the policy of the Employers and shall be considered unqualified if application for bond is denied by the Surety Company.

All persons employed or to be employed shall be of such moral character and reputation in the community as to be bondable. The individual shall be free of serious criminal activities resulting in conviction for fraud, dishonesty, or narcotics.

ARTICLE 16

NO DISCRIMINATION

There shall be no discrimination in connection with any action subject to the terms of this Agreement either in favor of or against any person because of membership or nonmembership in the Union, activity for or against the Union or absence thereof, race, color, national origin, religious or political beliefs, sex, age, Veteran's status, or disability.

ARTICLE 17

NO STRIKES, LOCKOUTS, AND STOPPAGE OF WORK

There shall be no strike, lockout, or work stoppages for the life of this Agreement.

ARTICLE 18**LABOR RELATIONS COMMITTEES AND
GRIEVANCE MACHINERY**

- A. The parties shall establish a local Labor Relations Committee. The Committee shall meet to resolve grievances, secure conformance to the terms of the Agreement, maintain current employee registration rosters, maintain dispatch procedures, and generally administer the Agreement.
- B. The Labor Relations Committee shall be composed of one or more persons representing the employee and designated by the local Union and one or more persons representing the Employers and designated by PMA. Each side shall give written notice to the other of their designated Labor Relations Committee representatives and each side shall have one vote.
- C. The Labor Relations Committee shall establish rules and regulations governing the conduct of watchmen as well as penalties for the breach of these rules and regulations. However, nothing herein shall restrict the Employer's existing right to discipline or discharge men for intoxication, pilferage, assault, incompetency, or failure to perform work as directed, but any man who considers that he has been improperly disciplined or discharged may appeal to the Labor Relations Committee.
- D. Prior to a complaint being filed by the Employer, the following procedures shall apply:
- (1.) The Employer shall attempt to notify and discuss the alleged incident with the individuals involved and president and/or a steward of ILWU Local 26 and attempt to resolve the matter. Whatever evidence the parties have or have relied upon relating to the discharge and/

or grievance shall be provided to the Union at the time of request. Any evidence submitted in an arbitration hearing must first be discussed at the LRC level. If such new evidence has not been discussed at the time of the arbitration hearing, it will be referred back to the LRC for discussion. Following a good faith discussion with the Union, or inability to contact the designated Union representative within a reasonable time period, the Employers may implement the established procedures as outlined in Articles 18 and 19 of the Agreement.

- (2.) In cases of discipline and/or discharge, the Employer shall identify, specifically, and describe in detail the violation committed by the watchman. The Employer shall specify the company procedure and/or Contract provision violated.
- E. The Labor Relations Committee shall meet within twenty-four (24) hours upon request of either party to hear any grievance arising under the Agreement. If a satisfactory settlement cannot be reached in this manner, either party may refer the matter for decision to the Watchmen Arbitrator. The Watchmen Arbitrator's decision shall be final and binding, unless an appeal is made within seven (7) days to the Coast Arbitrator as provided in (f) below.
- F. Any decision of the Watchmen Arbitrator claimed by either party to conflict with the Agreement may be referred at the request of such party to the Coast Arbitrator serving under the Pacific Coast Longshore and Clerks' Agreement. The Coast Arbitrator's decision shall be final and binding.
- G. Arbitrator's decisions must be based upon the showing of

facts and their application under the specific provisions of the Agreement as written. If an Arbitrator holds that a particular dispute does not arise under the Agreement, then such dispute shall be subject to arbitration only by mutual consent. The cost of arbitration proceedings shall be borne equally by the parties.

- H. This grievance machinery shall be the exclusive remedy with respect to any dispute arising under the Collective-Bargaining Agreement and no other remedies shall be used by the Union, the Employer, or any covered employee until the grievance procedures have been exhausted.
- I. An Employer Complaint (EC) is only applicable to the terminal where the complaint arose, for dispatch purposes only.
- J. There shall be designated monthly LRC meetings for the following purposes:
 - (1.) Two (2) regularly scheduled meetings each month exclusively for general LRC issues
 - (2.) One (1) meeting exclusively for Registered Watchmens' complaints (non-dispatch issues)
 - (3.) One (1) meeting exclusively for Dispatch Violations
 - (4.) One (1) meeting exclusively for Emergency watchmen complaints
 - (5.) One (1) Dispatch Committee meeting exclusively for Time Books and Emergency Watchmen Dispatch Audit
 - (6.) One (1) meeting exclusively to audit Registered guards Dispatch Records and Reports
 - (7.) One (1) meeting exclusively for Watchmen Safety.

K. Business Agents, Stewards, and Safety Committee

To memorialize the current practice and to facilitate the prompt settlement of grievances, complaints and safety issues, and to observe compliance with the Agreement, Union Stewards, Union Officers, and Union Safety Committee representatives shall have access to Terminals and other areas where Local 26 members perform their duties.

ARTICLE 19

JOINT WORKING AND DISPATCHING RULES

Joint working and dispatching rules covering local conditions are supplementary to and cannot conflict with this Agreement.

Local working and dispatching rules that are in conflict with this Agreement are null and void, and those that are not in conflict with this agreement can be changed only by mutual agreement.

ARTICLE 20

HEALTH, SAFETY, AND MISCELLANEOUS

- A. When an employee is assigned to a facility, the Employer will establish an adequate check-in, monitoring or emergency notification procedure. Such employee shall be provided with a working communication device, i.e., two-way radio, cellular phone, or ROC radios when rail operations are working.
- B. The Union and the Employer will cooperate in maintaining a safe workplace.
- C. The Employers will provide protective clothing in conformance with applicable governmental safety and health regulations or company safety rules.

- D. In accordance with OSHA requirements, safety shoes must be worn on the job. Therefore, a \$200.00 safety shoe certificate shall be issued annually to each registered watchman during the current Watchmen's Agreement term. All registered watchmen shall be provided a personalized, serialized safety shoe certificate to be used at a REDWING Store. Registered watchmen shall redeem the certificates for at least one pair of shoes within 60 days from issuance in accordance with the PMA/ILWU REDWING Safety Shoe Program.
- E. Watchmen will not be required to perform work that violates applicable government safety and health regulations or company safety rules.
- F. The Employers will provide adequate toilet facilities and potable drinking water.
- G. The Employers will post at each facility, in each guard shack, a notice of the following safety information:
- (1.) Locations of nearest fire extinguisher, first aid kit, and facility exits.
 - (2.) Procedure for notification to authorities for fire, Coast Guard, medical emergency, safety or security problems, and phone numbers.
 - (3.) Company procedures pertaining to use of two-way radios and/or emergency notification equipment.
 - (4.) Evacuation procedures.
 - (5.) Procedures and training for terrorist threat or attack.
- H. Communication devices shall be supplied to watchmen for the performance of their duties and shall be kept in good working order.

- I. The lead sergeant's security vehicle shall be equipped with a fixed radio.
- J. Watchmen shall participate in periodic company safety meetings to review emergency response procedures and other safety and health matters.
- K. All watchmen driving buses and/or vehicles must maintain a valid California Driver License.
- L. Employers shall provide and maintain flashlights, First Aid supplies, CPR supplies, and fire extinguishers in each security vehicle, and other required equipment and tools should be in a designated place.

In addition, as determined by the Employer, designated security vehicles will be equipped with appropriate devices, i.e., spotlights, public announcement system, horns, flashing lights, life ring, etc.

- M. There shall be no fewer than two (2) watchmen employed at each facility per each shift, except when a watchman is stationed in a secure building monitoring video cameras and no operations are being performed at that facility.

Watchmen assigned to work alone shall not be assigned to work outside their building structure.

A secured building structure shall be defined as a guardhouse or a room within a secured building fitted with bulletproof glass, inside deadbolt locks, video camera and intercom to the outside of the entrance to the facility and the guardhouse structure. Such guard structure shall be located within the perimeter of a fence and locking gate. Such structure shall contain a rest room and operating communication system, including cell phone and regular nonrestricted telephone

lines, panic button to police, paramedics, and other terminal guard, and access arrangements.

Under no circumstances shall anyone enter the structure without first notifying the guard who shall then require security identification for facility access and authority to enter the building in which this watchman is stationed.

When the facility is idle, gates and turnstiles shall be locked by the watchmen leaving the facility at the conclusion of their shift.

The above provision shall not be used to reduce existing manning below two (2) watchmen.

N. Working Conditions

- (1.) The Employer shall make reasonable provisions for the safety and health of its employees during the hours of their employment.
- (2.) No employee shall be required to work under circumstances which may jeopardize their immediate health and safety.
- (3.) Personal protective equipment, including footwear, hard hat, and safety vests required by the Employer or the law which is necessary to protect the health and safety of the employee shall be provided by the Employer.
- (4.) Adequate first aid supplies and equipment shall be provided by the Employer and conveniently located throughout the facilities, in security vehicles, and in guard houses.
- (5.) "Right to Know" laws shall be explained. Material Safety Data Sheets shall be explained and available to employees in a convenient location on all shifts. This

training shall also be provided to new hires by PMA and Employers at each Terminal and as part of annual General Industry Safety Training.

- (6.) At the start of each shift comprehensive training shall be provided for all work assignments on all jobs, which shall include safety and health matters. This training shall also be provided to new hires at each terminal when they report to work.
- (7.) No employee shall be asked to operate machinery or moving equipment without proper training. No employee shall be asked to operate defective equipment. All equipment shall be maintained in working order or removed from access.
- (8.) No employee shall be required to work at excessive speeds or perform their work in an unreasonable, unsafe or unhealthy manner.
- (9.) Both Employers and employees shall comply with all Federal, State, Local, and Port Health and Safety Regulations.
- (10.) In the event a watchmen believes that to continue to work would cause an immediate endangerment to health and safety, the Union steward will be notified, the sergeant will be notified, and management shall be notified of the concern.
- (11.) Watchmen shall not be required to work when in good faith they believe that to do so will immediately endanger health and safety. The Union pledges in good faith that health and safety will not be used as a gimmick. The employer shall have the option of having the watchmen

who raised a question of immediate health and safety stand by until a decision is reached or “working around” until the situation is resolved, and no further work shall be performed on that disputed issue until the health and safety matter is resolved.

(12.) Any unsafe or unhealthy condition must be reported immediately and corrected prior to work continuing in the specific area of concern.

(13.) In the event of clear and present danger, the employee shall not be required to perform the work in question.

O. Joint Watchmen Accident Prevention and Safety Committee (JWAPSC):

(1.) The Joint Watchmen Accident Prevention and Safety Committee will review issues of health and safety and shall endeavor to modify the culture to become more aware of health and safety concerns that affect all workers on the job.

(2.) A Joint Watchmen Accident Prevention and Safety Committee shall be formed consisting of Union members designated by the Union and members of management designated by the Employer. Each party shall select a chairman for its committee. The function of this joint committee shall be to take up any matter brought before it relating to safety and health. The Union committee shall be comprised of registered members. The Employer representative and the Union Safety Committee chairman shall rotate chairing the monthly safety meeting. The employees covered by this Agreement who serve on the Safety Committee may be replaced periodically, but not

all at one time. Only five (5) Union committee members shall be compensated monthly four (4) hours at the straight time rate.

- (3.) It shall be the duty of this committee to hold regularly scheduled monthly meetings and tours of the facilities and operations, as needed. This committee shall record and report any unhealthy or unsafe conditions found or reported by employees to the Joint Watchmen Accident Prevention and Safety Committee. Minutes of these meetings shall be kept, posted on the bulletin boards at each terminal at all guard houses and copies given to the Safety Committee, Chief Steward, Union, and Employers. Such minutes shall include all matters reported, remedies and abatement dates.
- (4.) The purpose of the Safety Committee is to serve as a vehicle of communication and to create and maintain active interest in safety and to report and correct safety and health problems.
- (5.) To accomplish these objectives, both the Employer and Union members shall establish and adhere to safety policies and procedures, perform inspections, see that necessary corrections are made, make recommendation in the work environment, in work practices, and promote and improve Employer and worker's attitudes toward safety.

P. The duties of the Joint Watchmen Accident Prevention and Safety Committee (JWAPSC):

- (1.) The Committee shall meet monthly and as needed

- (2.) Review employee accidents
- (3.) Participate in activities to stimulate interest in safety
- (4.) Encourage other employees to make hazard inspections and report areas needing improvements, in writing. Forms shall be provided for this purpose.
- (5.) Review and plan corrective action on all safety suggestions from Terminal and equipment inspections, accident investigations, by employees and management. Forms for this purpose will be provided. All suggestions shall be retained for the record with a copy for the Union, employee, and Employers.
- (6.) Communicate the activities of the Safety Committee to all employees and Employers.
- (7.) Assist in the development of safety training programs for all employees and management.
- (8.) Take minutes of meetings, identify needed corrections and abatement dates for each item and terminal. Minutes shall be posted in all guard houses and on Union and Company bulletinboards. Minutes of each meeting shall be preserved with a copy to the Union and Employers.

Q. Problematic Materials

- (1.) Employees shall not be required to work in an unhealthy work environment or work with chemicals or materials that are unhealthy unless the Employer has provided required apparel, engineering controls, etc. The company shall train employees to identify toxic substances and the safe work practice required for the employee's

protection, protection around these substances, and call the appropriate response and clean up agencies.

- R. Employer shall install and maintain bright lights at all entry gates and in front of guards houses.
- S. Employers shall provide and maintain flashlights, First Aid supplies, CPR supplies, and fire extinguishers in each security vehicle, and other required equipment and tools should be in a designated place.
In addition, as determined by the Employer, designated security vehicles will be equipped with appropriate devices, i.e., spotlights, public announcement system, horns, flashing lights, life ring, cameras, batteries, etc.
- T. Each Terminal shall install one or more Artificial External Defibrillator
- U. Employers and their representatives shall abide by all Safety and Health rules governing employees.
- V. The Employer shall provide potable water to all watchmen.
- W. Gangway Watchmen:
 - (1.) The Employer shall provide a safe location for all employees performing gangway watch duties.
 - (2.) Gangway watchmen shall be stationed on the vessel at the top of the gangway or at the bottom of the gangway out of harms way, and shall be provided a chair.
 - (3.) Gangway watchmen shall have radio communication.
 - (4.) The Employers shall provide gangway watchmen a truck when positioned on the dock

ARTICLE 21

MODIFICATION

No provisions or term of this Agreement may be amended, modified, changed, altered or waived, except by a written document executed by the parties hereto.

ARTICLE 22

UNION SECURITY

- A. All present fully registered employees who are members of the Union on the date of execution of the Agreement shall remain members of the Union in good standing as a condition of employment.
- B. All present fully registered employees who are not members of the Union on the date of execution of the Agreement shall become and remain members in good standing with the Union as a condition of employment.
- C. The Union hereby agrees to indemnify the Association and each member of the Association against any award, judgment, loss or expense arising out of a legal claim made against the Association or any company that is a member of the Association by a registered watchman because of deregistration or denial of full work opportunity at the request of the Union.
- D. Any employee who becomes fully registered during the life of the Agreement shall, immediately upon the completion of their probationary period, become and remain a member of the Union in good standing as a condition of employment.
- E. A fully registered employee who, within five working days after said registration, has failed to acquire or thereafter

maintain membership in the Union as herein provided shall be removed from the registration list and deregistered thirty (30) days after notice from the Union that he is not a member in good standing.

- F. A Union member shall be considered in good standing if he makes timely tender of the periodic dues, assessments, fines, and initiation fees uniformly required as a condition of becoming and remaining a member in the Union

ARTICLE 23

MEETINGS FOR REGISTERED WATCHMEN

- A. In addition to other qualifications specifically set forth in this Contract Document, all registered watchmen in order to remain qualified and eligible for dispatch through the dispatching service must be familiar with all the provisions of the Agreement, including all working, dispatching and safety rules and the requirements of conformance and performance under the Agreement.
- B. To this end it shall be the duty of the Union to inform all registered Union watchmen of their collective and individual responsibilities under the Agreement. Similarly, it shall be the duty of the Joint Port Labor Relations Committee to inform all registered nonunion watchmen of such responsibilities. Meetings for such purposes shall be scheduled by mutual consent of the Joint Port Labor Relations Committee.
- C. Stop-Work Meetings.
- D. The Union shall have the right to hold 1 regularly scheduled stop-work meeting each month during evening hours.
- E. When such regularly scheduled stop-work meetings are held,

the scheduled date during the month shall be the same for the longshore local and the clerks' local.

- F. Any other stop-work meetings must be mutually agreed to by PMA and the Union and PMA shall receive at least 1 week's notice of such nonscheduled meetings. They shall not occur more often than once a month.
- G. Any registered watchmen refusing to attend such respective meetings or creating a disturbance which frustrates the purpose of the same shall be suspended or dropped from the registered list at the discretion of the Joint Port Watchmen Labor Relations Committee.

ARTICLE 24

TRANSFER OF COMPANY, SUCCESSOR, MERGER, PARTNERSHIP, DBA, OR BANKRUPTCY

- A. This Agreement shall be binding upon the parties, their Successors, Administrators, Executors and Assigns at any facility owned, leased, or operated by the company. In the event the company is transferred, merged, taken over by sale, receivership, or bankruptcy proceedings, or enters into a DBA, subcontract or partnership, such operations as were previously covered by this Agreement shall continue to be subject to the conditions of this Agreement for the life thereof. On the sale, partnership, merger, other aforementioned conditions, or transfer, the specific provisions of this Contract, including Supplements or other conditions, prevail.
- B. The Employer shall give notice of the existence of the Agreement to any purchaser, transferee, assignee, partner, etc., of the security work at the facilities covered by this Agreement or any part thereof. Such notice shall be in writing

with a copy to the Union at the time the seller, partner, or transferee, etc., executes the exact nature of the transaction, not including financial details. In the event the Employer fails to require the purchaser, partner, or the transferee to assume the obligations of this Contract, the Employer shall be liable to the Union and to the employees covered for all damages sustained as a result of such failure to require assumption of the terms of this Contract at any facility at which employees of the Employer previously performed work covered by this Contract, but shall not be liable after the purchaser, partner, or other aforementioned entities of the transferee, has agreed to assume the obligations of this Contract.

- C. Further, the Employer agrees, in good faith, that they shall under no circumstances resort to gimmicking, utilization of the NLRB or other litigious methods in order to mitigate or vacate the Employers' obligation under the Collective-Bargaining Agreement.
- D. The Collective-Bargaining Agreement provides that Local 26 is the recognized bargaining agent for all of the Employers' security employees at their current and future locations anywhere in the Los Angeles-Long Beach harbor areas.
- E. The Employers shall not subcontract, outsource, or, in any other manner, substitute or allow the substitution of Local 26 watchmen or their work opportunity under any circumstances.
- F. The aforementioned letter confirms this understanding and transfers any and all Local 26/PMA agreements and contractual obligations to any new entity for their adoption as a component in any such transfer, partnership, merger,

successorship, DBA, etc. The Employer shall submit to the Union an executed written agreement from the successor or new entity which shall include recognition of the Local 26 Collective-Bargaining Agreement and the employment of Local 26 registered watchmen.

G. The PMA and the Employers shall, in good faith, guarantee compliance with the terms and conditions set forth in the “letter of agreement” as follows:

- (1.) In the event a successor, partner, transferee, etc., fails to adopt the Collective-Bargaining Agreement and bargaining unit workforce, or, if such entities default, the sellers are liable for maintaining the provisions of the Collective-Bargaining Agreement and the employment of bargaining unit employees.
- (2.) The Employer and seller, transferor, partner, etc., and the purchaser, partner, transferee, successor, etc., shall be jointly liable for all provisions of the Collective-Bargaining Agreement throughout the Contract term and for any damages arising thereunder.
- (3.) The PMA and the Employer recognize by signing this agreement that bargaining unit employees are third-party beneficiaries to the Agreement.
- (4.) Parent companies, alter egos, and subsidiaries shall be held liable for failure to perform for purposes of this Agreement.
- (5.) In the event of litigation over the successors, partners, etc., failure to adopt the Collective-Bargaining Agreement and the bargaining unit workforce, contractual conditions shall remain status quo with the added provision that no

bargaining unit member shall suffer loss of wages below forty (40) hours per week.

- H. Any damages that arise shall be expressed in the form of continued straight-time hours for lost work opportunity for bargaining unit employees, wages, pension, health and welfare, and any other condition or benefit that arises under the Collective-Bargaining Agreement until such time that the adoption of the Collective-Bargaining Agreement by the successor entity takes place.

ARTICLE 25

TERM OF AGREEMENT

This Agreement shall remain in effect until 5:00 P.M., July 1, 2014, the date coinciding with the termination of the Pacific Coast Longshore and Clerks' Agreement, and shall be deemed renewed from year to year after such termination date unless either party gives written notice to the other of a desire to modify or terminate the same, and such notice of modification or termination shall be given in writing not less than sixty (60) days prior to the expiration date.

Date: April 17, 2009

PACIFIC MARITIME	INTERNATIONAL
ASSOCIATION ON BEHALF	LONGSHORE AND
OF THE FOLLOWING	WAREHOUSE UNION
EMPLOYERS OF ILWU	ILWU LOCAL 26
WATCHMEN	

Los Angeles/Long Beach Harbor Area
Hanjin Shipping Company, Ltd.
Stevedoring Services of America Marine

APM Terminals Pacific Ltd.- Maersk
Long Beach Container Terminal, Inc.

By /s/ Timothy Peterson
(For Covered Employers)

By /s/ Luisa Gratz
(For The Union)

APPENDIX

(“M” language) Watchmen’s Duties and Work Preservation by Terminal

Letters of Understanding:

1. Local 26 Rail Security and Safety Jurisdiction dated August 29, 1996
2. Reefer Monitoring dated August 29, 1996
3. Implementation of Sections 20(a) and 20(c) – Communication Devices dated October 8, 1996
- 4a. Implementation of 401(k) Plan dated December 10, 1996
- 4b. ILWU-PMA 401(k) Plan Demands dated October 20, 1999
5. Letter between Maersk, PCT, and Local 26 dated November 10, 1993
6. Employment of non-ILWU Gangway/Safety Watchmen dated November 10, 1993
7. Upgrade Watchmen’s Training Program dated September 2, 1999
8. Company Procedures dated October 4, 1999 (procedures not included – in a separate document)
9. Installation of Agreed-to Safety Features dated November 3, 1999
10. Matson’s Local 26 Recognition Letter dated November 4, 1999
11. Installation of one (1) CRT Monitor by Terminal Maintenance Corporation dated July 9, 2003
12. Computerized Dispatch Program dated April 16, 2003

13. Dispatch Subcommittee dated April 16, 2003
14. Traffic Watchmen dated April 16, 2003
15. Checking Identification at Terminal Gates and Other Entrances dated April 15, 2003
16. Locking & Unlocking of Terminal Gates/Entrances dated April 15, 2003
17. Parties Agreement on Onerous Workload dated November 21, 2002
18. Selection of Watchmen Arbitrator dated April 16, 2009

Regulation Uniform Requirements

Registered Watchmen Dispatch Rules

Registered Watchmen Dispatch Procedures

Probationary Watchmen Dispatch Rules

Watchmen's JLRC Minutes

1. Meeting No. 6-99, June 23, 1999 – Computerized Dispatch System
2. Meeting No. 15-99, October 20, 1999 – Progressive Discipline for Violations of the Dispatch Rules and Procedures

HANJIN

- (M) Watchmen's duties also include, but are not limited to:**
- Security work performed by watchmen shall not be assigned to others.**
- 1. Ensure that entrances and exits are locked and unlocked as needed.**
 - 2. Ensure that traffic is under control.**
 - 3. Ensure that the terminal is as safe as possible for pedestrian and vehicular traffic on the terminal.**
 - 4. Prepare security reports such as HAZMAT spills, accidents, broken seals, damaged equipment, health and safety issues, vehicle inspection logs, detainee and stowaway reports, daily log reports, and other reports as needed or required.**
 - 5. Ensure that terminal and building lights are turned on and off when auto systems are not working.**
 - 6. Inventory all security equipment to ensure it is in safe working status.**
 - 7. Maintain camera, film, and videotapes for security needs.**
 - 8. Call police, fire department, coast guard, paramedics, and other agencies as needed.**
 - 9. Ensure that after hours all office buildings and unused gates are locked and secure.**
 - 10. Ensure that all vehicular and equipment traffic is maintained at a safe speed and flowing smoothly in and out of the terminal and on the terminal.**

11. Photograph incidents as directed.
12. Respond to emergencies as they occur.
13. Put up cones and tape off areas, etc., as needed.
14. Pick up and deliver PMA payroll, mail, Fed-Exs, telegrams, etc., when required, and deliver same to the appropriate departments and individuals.
15. Report missing equipment.
16. Control and secure parking, and other areas as needed.
17. Transport longshoremen, clerks, and other persons on terminal.
18. Check all outgoing trucks and cargo and are responsible for related paperwork and data.
19. May pick up related paperwork from clerks' booths.
20. Make sure radio batteries are charged.
21. Utilize other security technology, as it is implemented.
22. Scan gate passes.
23. Give truckers gate passes when required.
24. Escort vehicles when needed.
25. Check unauthorized pedestrians entering the terminal.
26. Log in vehicular traffic, excluding trucks.
27. Write citations.
28. Perform other related duties as needed.

LBCT

(M) Watchmen's duties also include, but are not limited to:

Security work performed by watchmen shall not be assigned to others.

- 1. Ensure that entrances and exits are locked and unlocked as needed.**
- 2. Ensure that traffic is under control.**
- 3. Ensure that the terminal is as safe as possible for pedestrian and vehicular traffic on the terminal.**
- 4. Prepare reports such as HAZMAT spills, accidents, broken seals, damaged equipment, health and safety issues, detainee and stowaway reports, and other reports as needed or required.**
- 5. Ensure that terminal and building lights are turned on and off as needed.**
- 6. Inventory all security equipment to ensure it is in safe working status.**
- 7. Stores camera, film, and videotapes for security needs.**
- 8. Call police, fire department, paramedics, and other agencies as needed.**
- 9. Ensure that, after hours, all office buildings and unused gates are locked and secure.**
- 10. Ensure that all vehicular and equipment traffic is maintained at a safe speed and flowing smoothly in and out of the terminal and on the terminal.**

- 11. Plug in shipside telephones as needed.**
- 12. Photograph incidents as directed.**
- 13. Respond to emergencies as they occur.**
- 14. Put up cones and tape off areas, etc., as needed.**
- 15. Pick up and deliver PMA payroll, mail, Fed-Exs, telegrams, etc., when required, and deliver same to the appropriate departments and individuals.**
- 16. Report missing equipment.**
- 17. Control and secure parking and other areas as needed.**
- 18. Transport longshoremen, clerks, and other persons on terminal.**
- 19. Check pedestrians entering and leaving the terminal at the main gate and check all outgoing trucks and cargo and are responsible for related paperwork.**
- 20. May pick up related paperwork from clerks' booths.**
- 21. Make sure security radio batteries are charged.**
- 22. Utilize other security technology, as it is implemented.**
- 23. Perform other related duties as needed.**
- 24. Log in vehicular traffic, excluding trucks.**

MAERSK

(M) Watchmen's duties also include, but are not limited to:

Security work performed by watchmen shall not be assigned to others.

- 1. Ensure that entrances and exits are locked and unlocked as needed.**
- 2. Ensure that traffic is under control.**
- 3. Ensure that the terminal is as safe as possible for pedestrian and vehicular traffic on the terminal.**
- 4. Give gate passes to truckers.**
- 5. Prepare reports or log incidences such as HAZMAT spills, accidents, broken seals, damaged equipment, health and safety security issues, detainee and stowaway reports, and other reports as needed or required.**
- 6. Ensure that terminal and building lights are turned on and off as needed.**
- 7. Inventory all security equipment to ensure it is in safe working status.**
- 8. Maintain camera, film, and videotapes for security needs.**
- 9. Call police, fire department, paramedics, and other agencies as needed.**
- 10. Ensure that, after hours, all office buildings and unused gates are locked and secure.**
- 11. Ensure that all vehicular and equipment traffic is maintained at a safe speed and flowing smoothly in and out of the terminal and on the terminal.**

- 12. Contact surveillance system companies for maintenance and repairs as necessary.**
- 13. Photograph incidents as directed.**
- 14. Respond to emergencies as they occur.**
- 15. Put up cones and tape off areas, etc., as needed.**
- 16. Pick up and deliver PMA payroll as required.**
- 17. Report missing equipment.**
- 18. Control and secure parking, and other areas as needed.**
- 19. Transport longshoremen, clerks, and other persons on terminal.**
- 20. Check and verify all paperwork for all outgoing trucks and are responsible for related paperwork and data.**
- 21. Make sure radio and LXE batteries are charged.**
- 22. Utilize other security technology, as it is implemented.**
- 23. Perform other related duties as required.**
- 24. Perform duties in the radio room as required, including issuing and inventorying equipment.**

MATSON

- (M) Watchmen's duties also include, but are not limited to:**
- Security work performed by watchmen shall not be assigned to others.**
- 1. Ensure that entrances and exits are locked and unlocked as needed.**
 - 2. Ensure that traffic is under control.**
 - 3. Ensure that the terminal is as safe as possible for pedestrian and vehicular traffic on the terminal.**
 - 4. Log entries relating to accidents involving security equipment and other accidents, broken seals, and other reports as required.**
 - 5. Ensure that terminal and building lights are turned on and off as needed.**
 - 6. Inventory all security equipment to ensure it is in safe working status.**
 - 7. Maintain camera and film for operational needs.**
 - 8. Call police, fire department, paramedics, and other agencies as needed.**
 - 9. Ensure that, after hours, all office buildings and unused gates are locked and secure.**
 - 10. Ensure that all vehicular and equipment traffic is maintained at a safe speed and flowing smoothly in and out of the terminal and on the terminal.**
 - 11. Issue citations.**
 - 12. Respond to emergencies as they occur.**

- 13. Put up cones and tape off areas, etc., as needed.**
- 14. Report missing security equipment.**
- 15. Control and secure parking, and other areas as needed.**
- 16. Transport longshoremen, clerks, and other persons on terminal.**
- 17. Check pedestrians entering and leaving the terminal and check outgoing trucks.**
- 18. Make sure security radio batteries are charged.**
- 19. Utilize other security technology, as it is implemented.**
- 20. Perform any other related duties as needed.**
- 21. Connect and deliver dockside telephones.**
- 22. Escort vehicles when needed.**
- 23. Log in vehicular traffic when required.**

PCT

(M) Watchmen's duties also include, but are not limited to:

Security work performed by watchmen shall not be assigned to others.

- 1. Ensure that entrances and exits are locked and unlocked as needed.**
- 2. Ensure that traffic is under control.**
- 3. Ensure that the terminal is as safe as possible for pedestrian and vehicular traffic on the terminal.**
- 4. Receive buck slip, fax sheet and printout.**
- 5. Report and log HAZMAT spills, security accidents, etc.; report damaged security equipment, health and safety issues; report and log transients, detainees, and stowaways; and report guard injuries and other reports as needed or required.**
- 6. Ensure that terminal and building lights are turned on and off as needed.**
- 7. Inventory all security equipment to ensure it is in safe working status.**
- 8. Report malfunctioning of security video equipment.**
- 9. Call police, fire department, coast guard, paramedics, and other agencies as needed.**
- 10. Ensure that, after hours, all office buildings and unused gates are locked and secure.**

11. Ensure that all vehicular and equipment traffic is maintained at a safe speed and flowing smoothly in and out of the terminal.
12. Log if the seals are broken on emergency kit.
13. Respond to emergencies as they occur.
14. Put up cones and tape off areas, etc., as needed.
15. Pick up and deliver security PMA payroll.
16. Report missing equipment as required.
17. Control and secure parking, and other areas as needed.
18. Transport longshore personnel. Other persons will be transported when required.
19. Check pedestrians entering and leaving the terminal and check outgoing trucks and cargo and are responsible for related paperwork and data.
20. Make sure security radio batteries are charged.
21. Operate security gate scanners and other security technology, as it is implemented.
22. Write citations.
23. Maintain hazardous materials book with cargo sheet.
24. Perform other related duties as needed.
25. Escort vehicular traffic when required.

SSA at C-60

- (M) Watchmen's duties also include, but are not limited to:**
- Security work performed by watchmen shall not be assigned to others.**
- 1. Ensure that entrances and exits are locked and unlocked as needed.**
 - 2. Ensure that traffic is under control.**
 - 3. Ensure that the terminal is as safe as possible for pedestrian and vehicular traffic on the terminal.**
 - 4. Prepare security reports such as HAZMAT spills, accidents, damaged security equipment, health and safety issues, detainee and stowaway, and other reports as needed or required.**
 - 5. Ensure that terminal and building lights are turned on and off as needed.**
 - 6. Inventory all security equipment to ensure it is in safe working status.**
 - 7. Ensure video camera is in working order, maintain videotapes for security needs.**
 - 8. Call police, fire department, coast guard, paramedics, and other agencies as needed.**
 - 9. Ensure that, after hours, all office buildings and unused gates are locked and secure.**
 - 10. Ensure that all vehicular and equipment traffic is maintained at a safe speed and flowing smoothly in and out of the terminal and on the terminal and in their proper location.**

- 11. Respond to emergencies as they occur.**
- 12. Put up cones and tape off areas, etc., as needed.**
- 13. Pick up and deliver PMA payroll.**
- 14. Report missing security equipment.**
- 15. Control and secure parking, and other areas as needed.**

- 16. Transport longshoremen, clerks, and other persons on terminal.**
- 17. Check pedestrians entering and leaving the terminal and check outgoing trucks and cargo and are responsible for related paperwork and data. Collect the trucker’s damage report.**
- 18. Make sure radio batteries are charged.**
- 19. Utilize other security technology, as it is implemented.**
- 20. Perform other duties as needed.**

SSA at Berth 206 – Long Beach

(M) Watchmen's duties also include, but are not limited to:

Security work performed by watchmen shall not be assigned to others.

- 1. Ensure that entrances and exits are locked and unlocked as needed.**
- 2. Ensure that traffic is under control.**
- 3. Ensure that the terminal is as safe as possible for pedestrian and vehicular traffic on the terminal.**
- 4. Log entries relating to accidents involving security equipment and other accidents, broken seals, and other reports as required.**
- 5. Ensure that the terminal and building lights are turned on and off as needed.**
- 6. Inventory all security equipment to ensure it is in safe working status.**
- 7. Call police, fire department, paramedics, and other agencies as needed.**
- 8. Ensure that, after hours, all office buildings and unused gates are locked and secure.**
- 9. Ensure that all vehicular and equipment traffic is maintained at a safe speed and flowing smoothly in and out of the terminal and on the terminal.**
- 10. Respond to emergencies as they occur.**
- 11. Put up cones and tape off areas, etc., as needed.**
- 12. Report missing security equipment.**

- 13. Control and secure parking and other areas as needed.**
- 14. Check pedestrians entering and leaving the terminal and check outgoing trucks.**
- 15. Utilize other security technology, as it is implemented.**
- 16. Perform any other related duties as needed.**
- 17. Log in vehicular traffic when required.**

SSA at Berth 55 – San Pedro

(M) Watchmen's duties also include, but are not limited to:

Security work performed by watchmen shall not be assigned to others.

- 1. Ensure that entrances and exits are locked and unlocked as needed.**
- 2. Ensure that traffic is under control.**
- 3. Ensure that the terminal is as safe as possible for pedestrian and vehicular traffic on the terminal.**
- 4. Log entries relating to accidents involving security equipment and other accidents, broken seals, and other reports as required.**
- 5. Ensure that the terminal and building lights are turned on and off as needed.**
- 6. Inventory all security equipment to ensure it is in safe working status.**
- 7. Call police, fire department, paramedics, and other agencies as needed.**
- 8. Ensure that, after hours, all office buildings and unused gates are locked and secure.**
- 9. Ensure that all vehicular and equipment traffic is maintained at a safe speed and flowing smoothly in and out of the terminal and on the terminal.**
- 10. Respond to emergencies as they occur.**
- 11. Put up cones and tape off areas, etc., as needed.**
- 12. Report missing security equipment.**

- 13. Control and secure parking and other areas as needed.**
- 14. Check pedestrians entering and leaving the terminal and check outgoing trucks.**
- 15. Utilize other security technology, as it is implemented.**
- 16. Perform any other related duties as needed.**
- 17. Log in vehicular traffic when required.**

LETTER OF UNDERSTANDING #1

Re: Local 26 Rail Security and Safety Jurisdiction

During the 1996 Watchmen's Negotiations, the parties recognized that ILWU Local 26 has performed certain rail security and safety work at company terminals signator to the Watchmen Agreement.

The parties reviewed and discussed the proposed general changes to the PCMSC regarding rail safety and security. It was agreed that the signator Employers shall maintain the status quo work assignments of Local 26 in relation to rail safety and security at such terminals, which is specific to each terminal as well as identify any new work that relates to rail and security at such terminals.

When the discussions take place on the implementation of the rail procedures in the PCMSC, the Employers shall include ILWU Local 26 in such discussions so that Local 26 jurisdiction is recognized in the implementation plan.

/s/ Charles Young
Employers

/s/ Luisa Gratz
ILWU Local 26

8/29/96
Dated

LETTER OF UNDERSTANDING # 2

Re: Reefer Monitoring

The ILWU Local 26 Watchmen's Agreement recognizes that watchmen perform reefer monitoring work. Such work is now performed by ILWU or IAM mechanics.

This Letter of Understanding is to confirm that, if it is determined that such mechanics do not perform this work in the future, ILWU Local 26 watchmen shall be reassigned to perform this work.

/s/ Charles Young
Employers

/s/ Luisa Gratz
ILWU Local 26

8/29/96
Dated

LETTER OF UNDERSTANDING #3

Re: Implementation of Sections 20(a) and 20 (c)

The parties agreed that individual watchmen are responsible for inspection of communication devices to ensure that they are in proper working order. If a communication device is not in proper working order, the watchman shall immediately notify the shift sergeant. The sergeant will be responsible for reporting the faulty equipment to management.

The Employers will repair and/or replace the faulty equipment immediately upon notification from the shift sergeant. In addition, the parties agreed that, within 30 days from the signing of the Agreement, all contractually-required communication devices shall be made available to the watchmen subject to the manufacturer's availability.

/s/ Charles Young
Employers

/s/ Luisa Gratz
ILWU Local 26

10/8/96
Dated

LETTER OF UNDERSTANDING# 4A

Re: Implementation of 401(k) Plan

During the course of the 1996 Watchmen Negotiations, the parties agreed to implement a combined 401(k) Plan for Local 26 and Local 75.

The parties agreed to meet jointly within 60 days of the ratification of the Agreement to discuss and review 401(k) Plans that are available through various providers.

The Joint Committee will select which plan to accept and the associated investment options.

The 401(k) Plan implementation would be contingent upon the Union's membership meeting the minimum participation level as determined by the 401(k) Joint Committee.

The PMA will administer the 401(k) Plan and pay all costs reasonably associated with the setup and administration of the plan.

The Joint Committee is made up of representatives of PMA and ILWU Locals 26 and 75 and shall be considered joint trustees.

/s/ Charles Young
Employers

/s/ Luisa Gratz
ILWU Local 26

12/10/96
Dated

LETTER OF UNDERSTANDING # 4B

Re: ILWU-PMA 401(k) Plan Demands

This is regarding the 1999 Revision of the Watchmen's Contract relating to administrative changes to the ILWU-PMA 401(k) Savings Plan.

The Employers agree that the Watchmen's ILWU-PMA 401(k) Plan is a savings plan that is now and forever separate from the ILWU-PMA Pension Plan. The ILWU-PMA 401 (k) Plan is a supplemental savings plan that is not considered by the Employers as a substitute for the Pension Plan.

The Employers agree that the Savings Committee and the Union may, at any time, jointly agree to change, add, or terminate any Investment Fund and, accordingly, agree to the Union's request that the Committee and the Union investigate additional investment managers. The Employers also agree to amend the Plan to permit hardship withdrawals as permitted by IRS standards and to permit distributions at age 59-1/2 as permitted by law but not to permit participant loans.

Because the Plan has been designed to permit elective deferrals only in whole dollar per hours amounts, the Employers are willing to amend the Plan to increase the maximum rate of elective deferral from \$5 per hour to \$6 per hour upon ratification and to \$8 an hour effective January 1, 2000.

Finally, the Employers are willing to investigate what would be involved in converting the Plan to a "multiple employer plan" that would permit participation by the Union's officers.

LETTERS OF UNDERSTANDING

/s/ Charles Young
Employers

10/28/99
Dated

/s/ Luisa Gratz
ILWU Local 26

10/28/99
Dated

**LETTER OF UNDERSTANDING BETWEEN MAERSK,
PCT, AND LOCAL 26 # 5**

The parties agree to form a Joint Committee to review and recommend possible improvements to the security issues at each terminal whenever a single watchman is employed, in addition to providing radios and looking into the feasibility of electronic panic buttons.

George J. ... MAERSK
[Signature]
Employers
11-10-93

[Signature]
Local 26
11-10-93

LETTER OF UNDERSTANDING #6

Re: Employment Of ILWU Gangway/Safety Watchmen

The parties discussed and agreed to reaffirm and abide by Kegel Watchmen Award No. 1-85 wherein a non-unit person was utilized to perform work covered by the Watchmen's Agreement, specifically, gangway watch. The parties agreed the Employers may not avoid its responsibilities under the Watchmen's Agreement by permitting non-unit individuals to perform gangway watch within their jurisdiction. In instances where a non-unit individual performing gangway watch is placed on the vessel, the signatory Employers agree to hire an ILWU gangway watchman.

/s/ Vincent Lamaestra
For Employers

/s/ Luisa Gratz
For ILWU Local 26

11/10/93
Dated

11/10/93
Dated

LETTER OF UNDERSTANDING #7

Re: Commitment to Upgrade Watchmen's Training Program

During the course of the 1999 Negotiations, the Employers committed to upgrading the Watchmen's Training Program to include courses such as CPR, first aid, evacuation training, and other applicable training courses and/or video presentations.

The Union will participate in the development of the Watchmen Training Program.

/s/ Charles Young
Employers

9/2/99
Dated

/s/ Luisa Gratz
ILWU Local 26

9/2/99
Dated

LETTER OF UNDERSTANDING #8

Re: Company Procedures

The attached company procedures are to be utilized as a training and informational guide. The Employer shall notify the Union of any major changes in the company's procedures guide. Watchmen work shall not be assigned to others.

/s/ Charles Young
Employers

10/4/99
Dated

/s/ Luisa Gratz
IWLU Local 26

10/4/99
Dated

October 20, 1999

LETTER OF UNDERSTANDING #9

Re: One-Month Agreement to Install Safety Feature

It is understood that the Employer will be allowed one month to install the agreed-to safety feature as described under the Health and Safety Contract language. If the installation is not completed, the Employer will employ a minimum of two watchmen until the job is finished.

The one-month time allowance will commence upon signature of the Agreement.

/s/ Charles Young
Employers

11/3/99
Dated

/s/ Luisa Gratz
ILWU Local 26

11/3/99
Dated

SIDE LETTER OF AGREEMENT #10

WHEREAS Matson Terminals, Inc., an affiliate of Matson Navigation Company was previously the terminal operator and a signatory to the contract herein; and

WHEREAS Matson Terminals, Inc., is ceasing to do business in the Los Angeles/Long Beach harbors; and

WHEREAS the Union has requested that SSA provide more job security than can be assured by SSA Terminals LLC (“SSAT”) with respect to watchmen’s duties at the Matson Terminals in the Los Angeles/Long Beach harbors,

THE SIGNATORY PARTIES HEREBY AGREE as follows:

1. SSAT is the successor of Matson Terminals, Inc. for the purposes of this contract;
2. Any successor of SSAT or Matson Terminals, Inc. will be informed of and required to agree to the provisions of the Collective Bargaining Agreement and this Side Letter of Understanding of the signatory parties hereto.
3. In the event that Matson Terminals, Inc., renews operations in the Los Angeles/Long Beach harbors or in the event that Matson Navigation Company forms another subsidiary to do such terminal or stevedoring work, such affiliate will be considered the successor of Matson Terminals and SSAT herein and will be informed of and required to agree to the provisions of the Collective Bargaining Agreement and this Side Letter of Understanding of the signatory parties hereto.

LETTERS OF UNDERSTANDING

Warehouse, Processing & Distribution
Workers' Union, Local 26, International
Longshore and Warehousemen's Union

DATED: November 4, 1999

/s/ Luisa Gratz

By: Luisa Gratz, President

Pacific Maritime Association for
Signatory Employers

DATED: November 4, 1999

/s/ Charles Young

By Its Representative, Charles Young

LETTER OF UNDERSTANDING #11

Re: Terminal Maintenance Corporation to Install CRT Monitor

Terminal Maintenance Corporation will install one (1) CRT Monitor with access to terminal operations. The CRT will be installed inside the sergeant/security building. The installation is expected to be completed by August 31, 2003.

Upon completion of the perimeter security camera system, watchmen will be given access.

/s/ Ron Merial
For the Employers

/s/ Luisa Gratz
For ILWU Local 26

7/9/03
Dated

7/9/03
Dated

LETTER OF UNDERSTANDING #12

Re: Computerized Dispatch Program

During the course of the 2002-2003 Watchmen's Contract negotiations, the parties met and discussed at length the computerized dispatch program and agreed to a spreadsheet combining all information which shall be accessible to the Union, PMA, and Dispatch Subcommittee upon request.

The Employers have agreed to pay the full cost of this computer dispatch upgrade. The parties shall meet with Vistem Solutions on this subject in order to identify all details pertaining to the computerized program and expedite the monthly Dispatch Subcommittee audit with an at-a-glance agreed-upon spreadsheet and e-mail access.

A date within six months shall be established for the completion and implementation of this upgrade.

/s/ Ron Merial
Employers

/s/ Luisa Gratz
ILWU Local 26

4/16/03
Dated

4/16/03
Dated

LETTER OF UNDERSTANDING #13

Re: Dispatch Subcommittee

The parties have established a Dispatch Subcommittee who shall meet on the second Tuesday of each month. The Committee shall be comprised of no more than four (4) representatives designated by the Union, and no more than four (4) representatives designated by the Employers. The duties of the Committee shall include, but are not limited, to the following:

1. Audit of the monthly dispatch records
2. Review monthly PMA payroll
3. Audit monthly time books
4. Excessive replacement orders (Reeps)
5. Availability Rule Violation
6. Identify gimmicking and chiseling violations

The parties agreed to reinforce the Dispatch Subcommittee's commitment to meet on a particular day on a monthly basis to audit payroll records, time cards, dispatch records, nonavailability, etc., as directed by the Joint Watchmen's Labor Relations Committee.

This Dispatch Subcommittee shall also hear and resolve violations and complaints arising from the monthly audits, with the exception of chiseling and gimmicking, which shall be referred to the Joint Watchmen's Labor Relations Committee. A second meeting shall be scheduled each month, if necessary, to complete the monthly audit and resolution of dispatch violations.

LETTERS OF UNDERSTANDING

It was further agreed that, when auditing records, the Union Dispatch Sub-committee members would receive wages and hours for their participation at these meetings.

/s/ Ron Merial
Employers

/s/ Luisa Gratz
ILWU Local 26

Dated: April 16, 2003

Dated: April 16, 2003

LETTER OF UNDERSTANDING #14Re: Traffic Watchmen

In accordance with the Agreement between ILWU Local 26 and Pacific Maritime Association, the parties recognize that, when directed by the Employer, watchmen shall be assigned to travel outside the terminal boundaries to regulate vehicular and pedestrian traffic. The parties further recognize that governmental agencies shall not be utilized as substitutes for ILWU Local 26 watchmen, nor shall Employers benefit by permitting others to perform watchmen duties under this Contract.

/s/ Ron Merial
Employers

4/16/03
Dated

/s/ Luisa Gratz
ILWU Local 26

4/16/03
Dated

LETTER OF UNDERSTANDING #15

Re: Checking Identification at Terminal Gates and Other
Entrances

When it is required by the Employer, or of the Employer by a Governmental Agency, whether manually or through the use of technology, this work shall be performed by ILWU Local 26 Watchmen.

/s/ Ron Mercial
Employers

/s/ Luisa Gratz
ILWU Local 26

4/15/03
Dated

4/15/03
Dated

LETTER OF UNDERSTANDING #16

Re: Locking & Unlocking of Terminal Gates/Entrances

During the course of ILWU Local 26 Watchmen's negotiations, the parties reaffirmed that, as per the Agreement, the unlocking and locking of terminal entrances is traditional Watchmen's work and shall not be assigned to others, whether traditional locks, key pads, or other technology are utilized.

/s/ Ron Merial
Employers

4/15/03
Dated

/s/ Luisa Gratz
ILWU Local 26

4/15/03
Dated

LETTER OF UNDERSTANDING#17

Re: Onerous Workload

During the course of negotiations, the parties agreed that watchmen are assigned specific jobs as per Sections 3(c) and 7(b) of the Agreement. The parties further agreed there may be several duties and/or responsibilities associated with each specific job; however, watchmen shall notify supervision immediately when they believe, in good faith, that such work will result in an onerous workload.

/s/ Ron Merial
Employers

11/21/02
Dated

/s/ Luisa Gratz
LWU Local 26

11/21/02
Dated

LETTER OF UNDERSTANDING #18

Re: Selection of Watchmen Arbitrator

The Committee agreed that the tenure of the current Watchmen Arbitrator would end, no later than midnight, December 31, 2009 and the Committee would initiate and complete the selection process for a new Watchmen Arbitrator in accordance with the following procedure.

The parties to this agreement shall jointly select and appoint an Area Arbitrator who shall serve at our discretion for all arbitrations in accordance with the ILWU Watchmen's Agreement.

It is understood that the costs associated with arbitration shall be borne equally by the parties.

The selection process will consist of one party submitting three names and the other party has the right to strike. It is agreed that it is the Union's turn to submit names.

/s/ Timothy Peterson
For the Employers

/s/ Luisa Gratz
For ILWU Local 26

4/16/09
Dated

4/16/09
Dated

I.L.W.U. WATCHMEN'S REGULATION UNIFORM

I. GENERAL

A. DEFINITION: Uniform – the dress of a distinctive design worn by members of a particular group and serving as a means of identification. Everyone dressed alike.

B. STANDARDS: ILWU Watchmen must maintain the highest standard in uniform appearance.

- The ILWU uniform must be worn with pride.
- Grooming standards are based on neatness, cleanliness, and appearance.
- Always wear a complete uniform.

II. UNIFORM

A. SHIRT:

- Short or long sleeve, light gray security shirt
- Dress collar
- Two front pockets
- ILWU security patch on each sleeve
- Shoulder straps
- Shirts must be tucked into trousers and all buttons secured properly



B. PANTS:

- Black polyester security slacks
- Permanent press with front creases
- One-inch belt loops

C. JACKET:

- Black, heavy winter or windbreaker security style jacket
- ILWU security patch on each sleeve

D. SAFETY VEST:

- Orange or lime green
- Reflective
- Must be worn at all times

E. SHOES:

- Black oxfords or boots
- Plain and shined
- Black tennis shoes are not permitted
- Suede shoes are not permitted

F. SOCKS:

- Black socks only

G. HARD HATS:

- CAL OSHA approved only
- ILWU badge attached to front



REGULATION UNIFORM

- **Must be worn in all areas where there are falling objects or moving equipment**

H. CAP:

- **Black baseball-style cap with ILWU or security lettering on front.**

I. BELT:

- **Black leather: 1-3/4" to 3/8" wide**
- **Plain silver buckle allowed**
- **Must be worn through all belt loops**

J. TIE:

- **Black - No other color allowed**
- **Bow ties are not permitted**
- **Tie may be worn with plain silver clip**

K. BADGES:

- **ILWU approved only**
- **ILWU logo in center collar.**
- **Must be worn on outermost garment, i.e., vest, jacket, shirt.**

L. INSIGNIA:

- **Lead and shift sergeants are permitted to wear sergeant's insignia on shirt**



M. PATCHES:

- **Must be ILWU-approved security patches with ILWU logo in the middle**
- **Shall be worn centered on each sleeve and a 1/4 inch down from the seam**

III. GENERAL APPEARANCE**A. HAIR:**

- **Males: Hair must be neat, clean and present a groomed appearance not longer than four inches and cut above the ears and collar if not tied back**
- **Sideburns should be neatly trimmed**
- **Facial Hair: Hair must be neatly trimmed and clean when wearing a mustache or beard**
- **Females: Hair must be clean and neatly arranged**
- **Hair should not be styled too full or too high**
- **Hair ornaments of unusual size are not permitted**

B. JEWELRY:

- **Earrings shall be small and plain**
- **Necklaces, crosses and pendants must not be exposed**
- **Rings shall not be excessive in number or size**
- **Dangling jewelry is not permitted**

C. COSMETICS:

- **Cosmetics shall be applied in good taste**

D. ACCEPTABLE MISCELLANEOUS ITEMS:

- **Whistle**
- **Rain Gear**
- **Flashlight**
- **Notepad and Pen**
- **Name tag – Worn on right side aligned with pocket**

E. UNACCEPTABLE ITEMS – DO NOT WEAR:

- **Color sweats under uniform shirt. Only a whiteT-shirt is acceptable**
- **Beanie caps - unless weather is extremely cold**
- **Hair Nets**
- **Baggy clothes**
- **Wave caps**

NONCOMPLIANCE TO THE UNIFORM REGULATIONS MAY RESULT IN DISCIPLINARY ACTION BY THE JOINT WATCHMEN'S LABOR RELATIONS COMMITTEE.

REGISTERED WATCHMEN RULES

All words, terms, or definitions of employees used the Dispatch Rules and Procedures are used as being words of common gender and not as being words of either male or female gender and, hence, have equal applicability to female and male persons wherever such words are used.

1. Hall watchmen who are not steady for an Employer must check in at the answering service between 6:00 A.M. and 11:00 A.M. daily with total payroll hours to date of check-in including those hours (minimum - 8 hours) dispatched to but not yet worked.
2. Watchmen are to be dispatched on the basis of hours, with low man in hours to be dispatched first.
3. The answering service is to maintain a list of all watchmen who either refuse a job or are not available for dispatch, listing the reason given for such refusal or noting their nonavailability. This list is to be submitted each month to the Joint Port Watchmen's Labor Relations Committee in writing. Further, watchmen who refuse a job or are not available for dispatch are to be charged with eight hours for their nonavailability.
4. Steady watchmen requesting additional work through the answering service shall check in with payroll hours, same as in Rules 1 and 2 above.
5. Registered watchmen who have open Employer complaints and/or disciplinary grievances filed against them will not

REGISTERED WATCHMEN RULES

be dispatched to that particular terminal until the case is resolved.

6. Nonsteady watchmen must submit to the Joint Port Watchmen's LRC a physician's certification for any extended illness in excess of 72 hours and will check in on the average hall hours upon returning to work.
7. Registered watchmen shall be required to submit in writing to the PMA and ILWU Local 26 any change in either their telephone number or address five days from the date of that change.
8. Registered watchmen shall be required to keep a current designated telephone number on file with the answering service.
9. Registered watchmen having problems with the dispatch procedure being followed shall notify the Union as soon as possible; and submit same in writing for further investigation by the Joint Watchmen's Labor Relations Committee.
10. If a watchman receives a job from the answering service and is unable to work on that specific day, the watchman must notify the answering service and the company that he is not available and state the reason why he cannot work. Watchmen shall not reap out at the terminal.
11. Registered watchmen must be offered sergeant positions as a first priority. The answering service will be responsible for filling the sergeant positions first. Watchmen accepting such positions shall be given training if necessary.

12. Steady watchmen shall not be dispatched before a regular watchman who checks in daily but has not worked 40 hours. Thereafter, the low-man-out principle shall apply.
13. Sergeants are not allowed to request available watchmen by name.
14. Registered Watchmen violating or gimmicking Dispatch Rules and Procedures shall be subject to discipline up to and including deregistration.
15. Watchmen shall not be permitted to work more than (2) two shifts in a (24) twenty-four hour period as per 4(a) of the Collective Bargaining Agreement which states, "A normal work shift shall be eight (8) hours. Watchmen may, however, be required to work extended time before or after a shift when deemed necessary by the Employer." Eligibility to work a second shift shall be based on the Dispatch Rules and Procedures. There shall be no start-to-finish shifts.

REGISTERED WATCHMEN DISPATCH PROCEDURES

REGISTERED WATCHMEN DISPATCH PROCEDURES

1. Local 26 watchmen are expected to be available to work a minimum of five days in a seven-day work week beginning at 8:00 A.M. Saturday to 8:00 A.M. Saturday unless prior arrangements have been made with the Joint LRC.
2. Employers shall follow the Dispatch Rules and not pull jobs from the answering service prior to the required time limit.
 - a) Jobs starting after 4:00 P.M. cannot be pulled prior to 3:00 P.M.
 - b) Jobs starting before 4:00 P.M. cannot be pulled prior to two hours.
3. Watchmen are to be dispatched on the basis of hours (monthly) with low man in hours to be dispatched first. The low man priority sequence shall be carried over to the first of the next month. Hall watchmen will be dispatched first, then steady watchmen will be dispatched next.
4. Watchmen will be required to accept the job they are dispatched to. Picking and choosing jobs is prohibited unless a watchman has an exception approved by the Joint LRC.
5. Watchmen shall be dispatched to jobs as they are placed with the answering service.
6. The answering service will assign a number to each job as it is placed and given to the sergeant for the company records. When it is filled, that same number will be given to the watchman receiving the job. Watchmen shall keep a record of this job, date, and number.
7. Watchmen may make themselves available for weekend work by name and social security and/or registration number.

REGISTERED WATCHMEN DISPATCH PROCEDURES

However, once they have been dispatched, jobs shall not be switched or traded. Should no registered watchmen be available to work a weekend shift then, and only then, shall the probationary watchmen be offered the shift.

8. Neither sergeants, watchmen, nor dispatchers have the authority to deviate from the Dispatch Rules and Procedures as written or instructed by the Joint LRC.
9. The Employers and/or sergeants acting on behalf of the Employers shall have a 2:00 P.M. daily deadline to place orders for the next 24-hour period for any jobs commencing at 4:00 P.M. or later.
 - a) Orders will not be accepted by the answering service more than 24 hours in advance.
 - b) Late orders may be placed after the 2:00 P.M. deadline. Late orders shall be defined as circumstances beyond the Employers' control arising after the 2:00 P.M. deadline, and shall be dispatched last.
10. Registered watchmen shall check in with the answering service on a daily basis between the hours of 6:00 A.M. and 11:00 A.M., with total payroll hours to date of check-in.
11. The answering service will complete the physical dispatch between 10:00 A.M. and 11:00 A.M. The answering service will advise the Employers of any shortages that have occurred, at which time the Employers will be required to obtain additional people from sources other than the registered workforce if additional watchmen are required.
 - a) Watchmen either personally or through their supervisory sergeant must be allowed to accept job assignments between 6:00 A.M. and 11:00 A.M. for the following dispatch period.

REGISTERED WATCHMEN DISPATCH PROCEDURES

12. Watchmen may be allowed to designate one individual by name who will be authorized to accept dispatch for them. The answering service must be advised of the designated individual's name in writing. The designated individual who accepts the dispatch will not relieve the watchman of any liability, or the watchman shall be subject to any disciplinary action for a violation.
13. Any watchman who is not dispatched by the 11:00 A.M. deadline will not be required to remain on the availability list provided, unless the watchman requests to remain on the list.
14. All watchmen returning from vacation or authorized leaves of absence will have 40 hours added to the check-in time for each week the watchman was off work. Watchmen will be assigned the average check-in hours on the date of their return from illness or injury exceeding seven days.
15. The Dispatcher will credit hours to a watchman, who has been dispatched but not yet worked, for subsequent job assignments.
16. When a watchman calls a replacement, the answering service will dispatch the next available watchman to that job and then notify the Employer.

PROBATIONARY WATCHMEN
DISPATCH RULES

1. Probationary watchmen are required to work at least one shift on each day, Monday through Friday, and shall be dispatched Monday through Friday after all hall registered watchmen have been dispatched. A day is a 24-hour period beginning 8:00 A.M. and ending 8:00 A.M. the following day.
2. Probationary watchmen shall check-in with the answering service on a daily basis between the hours of 6:00 A.M. through 11:00 A.M., and will be available for all three shifts.
3. Probationary watchmen must work at all terminals and all shifts equally, pursuant to instructions given at the time of orientation.
4. Probationary watchmen must call the answering service for jobs at noon in order to be dispatched.
5. Probationary watchmen are to be dispatched on the basis of hours, with low man in hours to be dispatched first including those hours (minimum eight (8) hours) dispatched to but not yet worked.
6. Probationary watchmen will be required to accept the job they are dispatched. Picking and choosing jobs is prohibited unless a watchman has an exception approved by the Joint LRC.
7. Probationary watchmen may make themselves available for weekend work according to the last four digits of their work number. Probationary watchmen shall be offered a weekend shift only when no registered watchmen are available to work a weekend shift.

PROBATIONARY WATCHMEN DISPATCH RULES

8. Probationary watchmen found guilty of engaging in dishonesty or gimmicking the rules, procedures, hours, etc., shall be dropped from probationary status.
9. Probationary watchmen must meet all criteria and satisfactorily complete probation at all facilities in order to be eligible for registration.
10. Probationary watchmen will be required to keep a current designated telephone number on file with the answering service.
11. Probationary watchmen shall be required to submit, in writing, to the PMA and ILWU Local 26, any changes in either their telephone number or address five days from the date of that change.
12. If a probationary watchman receives a job from the answering service and is unable to work that shift, he must notify the answering service and give reason as to why he cannot work.
13. Probationary watchmen Permit fees must be kept current at all times.
14. Any probationary watchman who is not dispatched by the 11:00 A.M. deadline will be required to remain on the availability list provided, unless the probationary watchman requests to remain on the list.

MINUTES OF SPECIAL MEETING
WATCHMEN'S JOINT LABOR RELATIONS COMMITTEE
LOS ANGELES-LONG BEACH HARBOR

JUNE 23, 1999

MEETING NO. 6-99

The Committee met at 11:15 A.M. at 100 West Broadway, Suite 3000, Long Beach, California.

Present: Employers ILWU Local 26
 R. Bartlett Z. Bourda
 N. Ferraiolo L. Gratz
 M. Harding
 C. Milburn
 B. Munoz
 C. Clements
 C. Young
 G. Lloyd

During the course of Contract negotiations, the Committee discussed at length problems involving the current dispatch system.

It was agreed that a subcommittee shall meet with the Marine Exchange to review the Dispatch Rules and Procedures. It was further agreed to upgrade the dispatch system by developing a computerized system, which would eliminate dispatch errors and improve the maintenance and accuracy of dispatch records and the accountability of the dispatch system.

The Committee agreed that the subcommittee would meet within 30 days from ratification of the Watchmen's Agreement to discuss improving the dispatch system. The new system shall begin to be implemented no later than 60 days following ratification. It was further agreed that, once the new computerized

MINUTES OF SPECIAL MEETING NO. 6-99

dispatch system is developed, regular reviews and monitoring will be conducted by the Joint Committee on a quarterly basis, in order to identify violations of the dispatch rules such as, habitual chiseling on hours, bypassing the Dispatch Hall, favoritism, etc. The Committee shall also establish penalties appropriate for such violations. The Committee agreed that violations of the Dispatch Rules and Procedures shall be given precedence over all other business before the Committee.

The Committee further agreed to the following stipulations:

1. Dispatch records shall be accessible upon request of either party.
2. The Employers shall pay the cost of the program and implementation of the system.
3. The Dispatch Program shall be approved by both parties and be the property of the Joint LRC, a copy of which shall be prepared and submitted to the Union.
4. There shall be no unilateral modifications once the program is agreed upon.

The Committee agreed there shall be no favoritism or discrimination in the hiring, dispatching, or employment of any watchman, or probationary watchman, eligible under this Agreement. It was further agreed that any watchman found guilty by the Joint LRC of favoritism, discrimination, or bribery shall be subject to discipline up to and including deregistration.

Meeting adjourned at 12:00 Noon

GJL:mob – 10/25/99

Approved by PMA – 10/7/99 Approved by Local 26 – 10/25/99

MINUTES OF SPECIAL MEETING
WATCHMEN'S JOINT LABOR RELATIONS COMMITTEE
LOS ANGELES-LONG BEACH HARBOR

OCTOBER 20, 1999

MEETING NO. 15-99

The Committee met at 11:45 A.M. at 100 West Broadway, Suite 3000, Long Beach, California.

Present: Employers ILWU Local 26
 R. Bartlett Z. Bourda
 R. Merical L. Gratz
 B. Munoz
 G. Lloyd

The Committee met and agreed upon the following disciplinary guidelines for violations of the Dispatch Rules and Procedures:

- 1st Offense – Warning/Reprimand
- 2nd Offense – 30-day Suspension
- 3rd Offense – Six months suspension
- 4th Offense – Deregistration

Meeting adjourned at 12:45 P.M.

GJL:mob – 11/17/99

Approved by PMA – 10/28/99

Approved by Local 26 – 11/15/99

Los Angeles / Long Beach

JOINT WATCHMEN SAFETY CODE

INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION LOCAL 26

and

PACIFIC MARITIME ASSOCIATION

SCOPE, PURPOSE AND EXCEPTIONS

Rule 101. This Code applies to all work performed under terms of the ILWU local 26 Watchmen’s Agreement – between International Longshore and Warehouse Union acting on Behalf of Local 26 and Pacific Maritime Association on behalf of the following Los Angeles – Long Beach Harbor Area employers of ILWU Watchmen: Hanjin Shipping Company, Ltd., Stevedoring Services of America, APM Terminals Pacific, Ltd., Long Beach Container Terminal, Inc.

Rule 102. The purpose of this Code is to provide minimum requirements for safety of life, limb and health. In cases of practical difficulty or unnecessary hardship an employer or ship may make exceptions from the literal requirements of this Code and permit the use of other devices or methods, but only when it is clearly evident that equivalent protection is provided.

Rule 103. The word “shall” is to be understood as mandatory.

Rule 104. The safety duties listed in this Code by job category shall not be construed to establish manning requirements.

Rule 105. At the direction of the parties, this Code was created to prevent injuries, and to reduce injury incidence rates. All persons party to this Code shall assume and properly discharge their safety responsibilities.

Rule 106. If applicable government regulations adopt other permissible employee exposure values for noise and carbon monoxide that differ from the provisions of this Code, the revised values shall apply.

Rule 107. This Code shall not supersede the provisions of Article 17 of the ILWU Local 26 Watchmen's Agreement.

DUTIES OF VESSELS OF ALL TYPES

Rule 201. The owners and/or operators of vessels shall provide safe ship's gear and equipment and a safe working place for all stevedoring operations on board ship.

Rule 207. Excessive noise shall be eliminated. Employee noise exposure shall be in accordance with Rule 305. Chipping and scaling of decks, bulkheads or sides of vessels by ship's crew or shipyard personnel shall not be carried on in the immediate vicinity of hatches in which cargo is being worked.

Rule 208. There shall be no spray painting or sandblasting in the immediate vicinity of watchmen operations.

Rule 209. Ship's officers shall make certain that all electric arc or gas welding operations conducted during cargo handling operations shall be so shielded as to effectively prevent injuries to employees in the vicinity.

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Rule 210. When welding or burning is being done in a hatch in which longshoremen are working, necessary precautions shall be taken to prevent hot metal from falling on men working below.

Rule 211. Ship's crew or repair crews shall not be permitted to work in rigging over heads of men working in the hold, on the deck, or on the apron.

Rule 220. All decks and terminals where persons are engaged in the operations shall be kept free from litter, clean, and passageways shall be kept open.

Rule 221. Open containers of paint and other flammable materials shall not be located under ship's crane or winch platform access ladders, or in other watchmen operations unless used by the proper professionals.

Rule 222. A liberal supply of sand or other suitable material shall be kept readily available for use on slippery places.

Rule 223. Preventive measures shall be taken when cargo of a highly flammable nature such as cotton, sisal, jute, etc., is being worked, the ship shall take the necessary steps to insure that any fire can be immediately controlled, and the fire main shall be charged and the hose connected.

Rule 224. Garbage shall be disposed of regularly.

Rule 225. Garbage remaining on deck, pending collection, shall be kept in covered containers, and shall never be placed so that passageways are blocked, or so that it will otherwise interfere with watchmen operations.

Rule 227. An adequate quantity of cargo lights in good condition and with proper size bulbs shall be provided before night work starts. Adequate illumination for night work shall be in accordance with Rule 304.

Rule 228. All lights and reflectors shall be kept clean and in good condition. Lines shall be attached for lowering or raising cargo lights unless the cord is designed to suspend the light.

Rule 231. Members of the ship's crew shall not be permitted to smoke aboard ship or on the dock except in authorized, designated places.

Rule 232. Ship's crew members shall not be permitted in the immediate vicinity of longshore operations except in the course of their duties, but in no event while under the influence of intoxicating liquor.

Rule 233. Where noxious gases may be present in holds or compartments, warehouses or offices, or when the ship has been fumigated, such places shall be declared clear of gas by a qualified inspector competent in the use of test equipment and procedures before employees are permitted to enter. Where state or Federal regulations prescribe inspector qualifications, they shall apply.

Rule 234. A life net furnished by the vessel shall be rigged under all gangways or accommodation ladders used by employees in such a manner as to prevent a person from falling between the ship and the dock. When the means of access is rigged at right angle to the ship (athwartship), the net shall extend at least five feet (5') on either side. When the means of access is rigged parallel to the ship (or nearly so), the net shall extend at least five feet (5') past

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the top and at least five feet (5') beyond the junction point of the means of access and the dock. Exception: Ramps equipped with handrails on roll-on/rolloff or drive-on/drive-off vessels.

Rule 235. When a ship is lying at a pier or wharf, there shall be provided at all times a safe means of going to and from the ship consisting of a gangway or ramp. Such means of access shall be adequately lighted during hours of darkness. Personnel platforms on container crane lifting beams shall not be used as a substitute for a gangway.

Rule 236. Gangways provided shall be at least twenty inches (20'') wide and properly secured to the ship. Such gangways shall be provided with a two-rail railing on each side; the upper rails shall be at least thirty-three inches (33'') high. Rails shall consist of wood, taut ropes or chains, or other equally safe devices.

Rule 237. A ladder shall be provided in all holds where employees are engaged in operations. Where there are two units or gangs operating in a hatch, there shall be two ladders provided.

Rule 238. All ladders providing access to holds shall be kept in good repair and in safe condition. When rungs are broken or missing or ship's ladders are otherwise unsafe, they shall be blocked off pending repair. Pending repair, portable straight ladders, properly secured, shall be provided. Where it is not practicable to use straight ladders, or when no alternative safe means of access is available, properly secured Jacob's ladders may be used, provided they are of the double rung or flat tread type.

Rule 239. Hold ladders shall be kept clear and no cargo stowed within six inches (6'') from the back of ladder rungs

Rule 245. Measures shall be taken to prevent escaping steam from obscuring any part of the decks, gangways, stages, wharf, or other place, or from otherwise hindering or injuring any person employed in the operations.

Rule 249. Manholes and other deck openings which are flush with the deck shall be barricaded by use of either covers or railings.

Rule 271. If a ship, boat or other vessel is alongside any other ship, boat or other vessel, and persons employed are required to pass from one to the other, a safe means of access shall be provided.

Rule 273. When employees are required to walk on a ramp for access to or egress from drive-on/drive-off ships, a walkway with hand lines or hand railings shall be provided on the ramp.

Rule 275. Prior to the start of cargo handling operations a responsible representative of the employer shall ascertain from labels on the cargo, from the dangerous cargo manifest, or from other shipping documents, what hazardous cargoes, if any, are to be handled and the general nature of the hazard. He shall inform employees of the general nature of the hazard, the importance to the employees of preventing damage to the cargo, and the special precautions to be taken. The responsible representative of the employer aboard the vessel shall instruct the employees to notify him of any leaks or spills.

Rule 282. When the upper end of the gangway access rests on or is flush with the top of the bulwark, substantial steps, properly secured against all movement and equipped with at least one substantial handrail approximately thirty-three inches (33") in

height shall be provided between the top of the bulwark and the deck.

Rule 283. Prior to the start of roll-on/roll-off cargo handling operations, a responsible representative of the employer shall be advised by the vessel of any hazardous routes or areas that could be mistaken for normal drive-on/drive-off routes. Hazardous routes or areas shall be marked off.

Rule 286. All overhead obstructions 6'5" or lower on gangways shall be clearly marked with a high visibility color.

DUTIES OF EMPLOYERS

Rule 301. The employer shall provide, so far as the same shall be under his control, a safe working place for all operations.

Rule 302. The employer shall provide for the proper and safe condition of all equipment, vehicles, and gear supplied by him.

Rule 303. The employer shall require the use of safe processes and practices.

Rule 304. Employers shall provide adequate illumination. Adequate illumination is defined as light levels in walking and working areas which enable employees to safely perform assigned tasks and to be seen by other employees operating equipment. Lights shall be so placed that they do not shine in the eyes of employees.

Rule 305. Protection against the effects of occupational noise exposure shall be provided when the sound levels and period of exposure exceed those in the following chart:

SOUND LEVEL

Duration per day, hours: dBA slow response

8	90
6	92
4	95
3	97
2	100
1 1/2	102
1	105
1/2	110
1/4 or less	115

Rule 306. Telephone facilities shall be made available within 250 yards of the place at which operations are being carried on. The 250 yard requirement does not apply to container yards where radio equipped vehicles are used and telephones are reasonably available. Radio communications may be substituted temporarily for emergency use and when a vessel is worked in the stream.

Rule 307. At all places where operations are being carried on, drinking water in covered clean utensils or devices with sanitary drinking cups or from sanitary fountains, shall be available.

Rule 308. Accessible toilets and washbasins shall be available at all times for the use of persons engaged in the operations. Such toilets and washbasins shall be kept clean and in good order.

Rule 309. Facilities shall be provided by the Employers to persons who wish to qualify to render First Aid/CPR. All arrangements for

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First Aid/CPR training shall be made through the Joint Watchmen Labor Relations Committee.

Rule 310. Employers shall do everything possible to prevent fires. Smoking shall be permitted on board ship or on piers in designated areas only. When electric or motorized vehicles are being used, at least a 5 ABC rated fire extinguisher shall be available in the area.

Rule 311. Employers shall not be present on the job while under the influence of intoxicating liquor, or drugs of a stimulating or depressive nature.

Rule 312. All employers and their representatives shall abide by all applicable safety rules governing employees, and set an example for all employees by observing these safety rules.

Rule 313. An approved first aid kit shall be made available by the employer. The first aid kit shall contain items required by applicable regulations. Where necessary, eye wash shall be available.

Rule 314. The first aid kit and the first aid room, where one is provided, shall be maintained and kept fully stocked by a designated employee or employees authorized to render first aid to the injured.

Rule 315. One or more stretchers (Stokes baskets) of an approved type, suitably equipped for use with hoisting gear, shall be made available by the Employer wherever operations are carried on. Inspection by the Employer shall be made monthly to ensure that the stretchers are in good working order. All stretchers shall be of a plastic type.

Rule 316. Notices shall be exhibited by every employer in a prominent position at each pier or wharf on which he operates, stating:

- (a) The position of the first aid kit, cabinet or first aid room, and the title of the person in charge thereof;
- (b) The telephone number of emergency hospital or ambulance service;
- (c) Names, addresses and phone numbers of hospitals where applicable.

Rule 317. Provisions for the rescue of persons from drowning shall be made and maintained during the course of watchmen operations and shall include life rings, with adequate life line attached, at readily accessible points on each pier apron or bulkhead. One or more portable or permanent ladders giving access to the surface of the water shall be provided.

Rule 318. When goggles and respirators are required, they shall be provided by the employer, and utilized in accordance with Rule 612.

Rule 319. Goggles or respirators, after having been used, shall be cleaned and sterilized before being reissued to another person.

Rule 320. The employers shall see that necessary safety precautions shall be taken and guards posted before permitting work to be done in the immediate vicinity where fumigation by means of cyanide or other toxic gas is being carried out on wharves, piers, bulkheads, warehouses. Where possible, the use of special fumigation chambers is recommended.

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Rule 321. Preventive measures shall be taken when cargo of a highly flammable nature such as cotton, sisal, jute, etc., is being worked, the ship shall take the necessary steps to insure that any fire can be immediately controlled, and the fire main shall be charged and the hose connected.

Rule 322. All aprons, floors, guard shacks, terminal areas, and other places where persons are engaged in the operations, shall be kept free from litter, and clean, and passageways shall be kept open.

Rule 323. Grease, oils, etc., spilled where operations are being carried on, shall be immediately cleaned up and covered by sand or other suitable material.

Rule 324. When working barge, scow, raft or log boom alongside ship, a properly secured double rung or flat tread Jacob's ladder, and a life ring, shall be provided for each unit of operation.

Rule 325. Life lines shall be furnished and hung over side to water's edge when men are working on log booms, cribs or gangways.

Rule 327. All ladders providing access to holds shall be kept in good repair and in safe condition. When rungs are broken or missing, or ship's ladders are otherwise unsafe, they shall be blocked off pending repair. Pending repair, portable straight ladders, properly secured, shall be provided. Where it is not practicable to use straight ladders, or when no alternative safe means of access is available, properly secured Jacob's ladders may be used, provided they are of the double rung or flat tread type.

Rule 331. If vehicles, tools, materials, appliances, or any gear (including empty stevedoring boards) are at any time found to be in need of repair, defective, or in any way unsafe, it shall be reported immediately to the person in charge of work. Any such unsafe or doubtful gear or equipment shall be marked and placed so that it cannot be used by employees until properly repaired.

Rule 336. No employee shall enter or be allowed to remain in a workplace in which a hazardous condition exists resulting from hazardous substances or materials in the atmosphere such as fumigants, pesticides, insecticides, asbestos, hazardous preservatives or any known carcinogen, etc., until proper precautions have been taken.

- (a) Whenever it has been ascertained or the possibility exists that such a hazardous condition is present, the exact nature of the hazard, if any, shall be determined. Air sample tests shall be made by qualified persons acquainted with the hazard, trained for the duty and provided with proper equipment. Where Federal or state regulations prescribe inspector qualifications, they shall apply.
- (b) Protective equipment, such as protective clothing, gloves, respirators, goggles, etc., shall be provided whenever there is exposure to hazardous cargo or other unhealthy condition.
- (c) First aid supplies shall be provided and first aid shall be administered by a qualified person whenever employees are exposed to and adversely affected by hazardous cargo.

Rule 337. Prior to the start of cargo handling operations a responsible representative of the employer shall ascertain from

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labels on the cargo, from the dangerous cargo manifest, or from other shipping documents, what hazardous cargoes, if any, are to be handled and the general nature of the hazard. He shall inform employees of the general nature of the hazard, the importance to the employees of preventing damage to the cargo and the special precautions to be taken. The responsible representative of the employer aboard the vessel shall instruct the employees to notify him of any leaks or spills.

Rule 338. Employers shall furnish protective clothing to employees when handling cargo which may cause burns, skin irritations or other health hazards.

Rule 339. All gear and equipment, including twist locks on container handling equipment provided by the employer shall be inspected by the employer or his authorized representative before each use and, when necessary, at intervals during its use, to ensure that it is safe. Any gear which is found upon such inspection to be visibly unsafe shall not be used until it is made safe.

Rule 341. Gear and equipment shall be used in a manner consistent with its designed or approved use.

Rule 342. Vehicle operators shall park containers, chassis, and bomb carts in areas designated by the employer. Containers, chassis and bomb carts shall be parked so as to minimize obstructing the driving areas.

Rule 343. Dockside container hoisting equipment shall be equipped with radios. Watchmen, Walking Bosses/Foremen, Clerks, and Signalmen working directly with such equipment shall be provided with radios. Container cranes at each terminal

working against a vessel shall be assigned a separate radio channel. Top/Side Handlers and Reach Stackers working together against that vessel shall also be assigned a separate radio channel from those assigned to the working cranes. This rule does not apply to operations where Straddle Carriers, Top/Side Handlers or Reach Stackers are working directly against the crane. For those geographic areas where additional useable channels are not available, the provisions of this rule shall become effective when such channels are available.

Rule 344. Where a fall arrest system is used, the following shall apply:

- (a) The fall arrest system shall be used only for employee fall protection.
- (b) The components of the fall arrest system shall be “approved” as per Rule 612.
- (c) Only a full body harness shall be used.
- (d) The fall arrest system shall be rigged to minimize free fall distance, with a maximum free fall distance of six feet (6’).
- (e) Each terminal shall have an established procedure to rescue personnel in case of a fall and training
- (f) The fall arrest system shall incorporate an energy absorbing mechanism.
- (g) All connectors shall be designed and used to minimize accidental disengagement. Snap hooks shall be positive locking. (A spring-loaded keeper over the throat of the hook is not adequate.)

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- (h) The fall arrest system shall be attached to a tie off point capable of sustaining at least twice the potential impact load of an employee's fall when certified by a qualified person, or 5,000 pounds in the absence of a certification by a qualified person. When more than one employee is attached to a tie off point, the above limits shall be increased proportionally. Positive means shall be taken to prevent the movement of equipment when used as tie off points. Where container lifting beams are used as tie off points, there shall be a shut off switch to prevent the crane from trolleying, hoisting, or gantrying. There shall be an indicator, visible or audible to the men on the container tops, that shows when the beam is dead.
- (i) Harness, lanyards, and energy absorbers (except those which are integral to a self-retracting lifeline which have been subjected to impact loading shall be removed from service and destroyed. All other components of the fall arrest system shall be inspected and serviced by a competent person as per the manufacturer's recommendations.
- (j) Horizontal lifelines shall have a tensile strength capable of sustaining at least twice the potential impact load of an employee's fall when certified by a qualified person, or 5,000 pounds in the absence of a certification by a qualified person. When more than one person is tied off to a horizontal lifeline, the above limits shall be increased proportionally.
- (k) All components of the fall arrest system shall be inspected and maintained as per the manufacturers recommendations. (See also Rule 339.)

Rule 346. The lifting capacity of cranes and ship's gear shall not be downrated to avoid the correction of any defect which can affect the lifting capacity.

Rule 347. Where employees are required to perform data entry, the Employer shall insofar as practicable, provide adjustable work stations. Chairs shall be provided with adjustable seats and back rests. Back rests shall be adjustable for height and to angles ranging from behind vertical position to forward of the vertical position. Forearm supports, if present, shall be removable if they are not adjustable. The adjustment mechanisms for adjustable seat pans and back rests shall be readily operable by the user.

Rule 351. Each phone owned or controlled by the Employer at all marine terminal facilities and container freight stations shall have its geographical location, address and phone number posted at the phone.

Rule 352. All motor vehicles or other power-operated equipment purchased after January 1, 1991 shall be provided with an operator restraint system or seat belt to ensure the safety of the operator. Such operator restraint system or seat belt shall be properly secured to the vehicle or equipment.

Rule 353. Employers shall ascertain whether there are any general or specific safety and/or health hazards. Employees shall be informed of these hazards and any special precautions to be taken when such problems/hazards come to the attention of the Employer or prior to the start of these operations.

Rule 354. The Employers shall ensure that there shall be access to all terminal facilities by emergency, rescue, and law enforcement

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vehicles. Whenever there is an injury severe enough to warrant calling an ambulance or an emergency vehicle, work equipment and machinery shall be stopped and cleared as necessary for access to and treatment of the injured.

Rule 355. All protective equipment and safety equipment provided by the Employer shall be properly used, maintained, stored, and easily accessible for all watchmen.

Rule 356. No protective or safety equipment shall be used in a watchman operation which has been modified in any way, unless approved by a competent authority.

Rule 361. When the direct Employer provides a gangway: It shall be at least twenty-four inches (24'') wide and properly secured to the ship. The gangway shall be provided with a two-rail railing on each side; the upper rails shall be at least thirty-three inches (33'') high. Rails shall consist of wood, taut ropes or chains, or other equally safe devices.

Rule 362. Each container facility or other facility that uses radio communications shall designate its own separate radio channel to expedite emergency services. This channel may also be used for supervisory or security purposes. All personnel, who are required to use a radio, shall be informed of the designated radio channel to expedite emergency services.

Rule 363. All overhead obstructions 6 feet 5 inches or lower on gangways shall be clearly marked with a high visibility color

Rule 365. Top handlers, side handlers, reach stackers, straddle carriers, bombcarts and heavy forklifts, shall have at least three

(3) radial stripes of a contrasting color to the tire or wheel on all outside tires. Hustlers/UTRs (rear wheels only) shall have the outside tires marked in the same manner.

Rule 367. The Employer shall prominently display proper mounting/dismounting procedures on all equipment where more than one elevated step is required to mount/dismount the equipment. All steps shall be constructed of, or covered with, nonskid material and shall also be kept as free of grease and oil as is practicable. The nosing of all hustler (UTR) steps shall be marked with a light, or high visibility contrasting paint or tape.

THE SAFETY DUTIES OF THE SUPERVISORY PERSONNEL

Rule 401. They shall see that all working conditions are safe and that gear is in apparent safe working condition before and during the operation.

Rule 402. They shall act promptly in obtaining correction of any defect in the gear or machinery, or unsafe working condition or removed.

Rule 403. They shall instruct workers under them in the proper and safe methods of handling cargo, gear and equipment. These instructions shall be given in a safety talk at the start of each shift. Workers arriving late on the job will receive these instructions from their direct supervisors, as soon as practicable. Special attention shall be focused on safe practices, traffic patterns, and hazardous material particular to each ship and dock operation. Workers shall be informed of the designated assembly areas.

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Rule 405. They shall see that operations are carried on in a safe manner.

Rule 406. Where there is an immediate danger to the health and safety of the men, they shall stop work and supervision shall take the necessary precautions to protect the employees and/or remove them to safety.

Rule 407. They shall make every effort to determine cargo hazards in advance, and to have correct personal protection at hand for known hazards.

Rule 408. They shall permit operations on or in ship's decks, holds, piers or other places only when they are adequately lighted. Adequate illumination is defined by Rule 304.

Rule 409. The foreman, walking boss, or sergeants in charge of operations shall arrange immediate and proper first aid for the injured.

Rule 410. The foreman, walking boss, or sergeants in general charge of the operations shall investigate and render a full report of the accident to the employer.

Rule 411. Supervision shall set an example and shall observe all applicable rules of this Code which govern other employees.

Rule 412. Supervision shall not smoke aboard ship or on the dock except in authorized, designated places.

Rule 413. Supervision shall not be present on the job while under the influence of intoxicating liquor, or drugs of a stimulating or depressive nature.

Rule 419. All protective equipment and safety equipment provided by the employer shall be properly used, maintained, stored, and easily accessible for all watchmen.

Rule 420. Radios are provided to pass essential information during operations. Communications on all radio channels shall be kept to an absolute minimum. Using a radio for personal communication is prohibited.

THE SUPERVISION, SERGEANT OR OTHER GROUP LEADER SAFETY DUTIES:

Rule 501. He shall be in direct charge of his group and shall see that all work is done in a safe manner.

Rule 502. He shall instruct the men under him in the proper and safe methods of handling gear and equipment. Special attention shall be focused on safe practices particular to each work assignment.

Rule 503. He shall report promptly to his sergeant on the job, any defect in the equipment or machinery, or any unsafe working condition or unsafe working practices. Supervision shall act promptly in obtaining correction of any defect in the equipment or machinery, or any unsafe working condition or unsafe working practices.

Rule 504. In the event that he finds it impossible to get in touch immediately with his sergeant, or other employer representative on the job, he shall stop the work upon discovery of any unsafe condition or unsafe working practices until sergeant, or other employer representative on the job, shall have had opportunity to review and assess the situation.

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Rule 505. He shall set an example and shall abide by all applicable safety rules in this Code which govern other employees.

Rule 506. He shall maintain good housekeeping.

Rule 507. He shall give clear and understandable instructions on safety in operations and shall ascertain that these are carried out.

Rule 508. He shall not smoke aboard ship or on the dock except in authorized, designated spaces.

Rule 509. He shall not be present on the job while under the influence of intoxicating liquor, or drugs of a stimulating or depressive nature which affect his ability to carry out his obligations as required under the ILWU local 26 Watchmen's Agreement.

DUTIES OF EMPLOYEES AND GENERAL SAFETY RULES

Rule 601. The safety duties of all parties to this agreement, (both employers and employees) in addition to those printed elsewhere in this Code, shall be to use the safety devices provided; to practice the safety methods prescribed; and to cooperate in all that makes for safety.

Rule 602. An injury of any kind, irrespective of its severity, shall be reported immediately to the sergeant or man in charge of operations, by the injured person, if he is physically able to do so. If not, the injury shall be reported by any other person in possession of the facts.

Rule 603. No person subject to this Code shall engage in horseplay on the job.

Rule 604. Employers and employees shall do everything possible to prevent fires. Smoking shall be permitted on board ship or on piers in designated areas only.

Rule 605. No employee shall be present on the job while under the influence of intoxicating liquor, or drugs of a stimulating or depressive nature which affect his ability to carry out his obligations as required under the ILWU local 26 Watchmen's Agreement.

Rule 606. All persons going to and from the ship shall use the approved means provided. Personnel platforms on container crane lifting beams shall not be used as a substitute for a gangway. Personnel shall not jump between the ship and the dock.

Rule 607. No person shall ride the cargo hook or load except when authorized by supervision during a medical emergency, or when the gear is especially designed for this purpose.

Rule 610. Employees shall not ride on moving conveyors other than escalators or other devices especially designed for the transportation of men.

Rule 611. Blocks, crow bars, slings and other equipment shall not be thrown from deck to ship's hold or from ship to pier or lighter, or from pier to ship or lighter.

Rule 612. All employees shall wear and properly use all personal protective equipment provided, including but not limited to:

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- (a) Approved goggles when needed to prevent injuries or irritate the eyes;
- (b) Respirators of an approved type when needed to prevent injury or irritation of the respiratory passages or lungs or health;
- (c) U.S. Coast Guard approved flotation devices shall be worn as per the manufacturer's recommendations when working over sides of vessels, i.e., log booms, rafts, or other locations where the possibility of falling into the water exists;
- (d) Approved hearing protection when required to reduce exposure to noise. Employees shall be given an option of ear plugs. The temporary unavailability of ear plugs shall not cause a disruption of work nor a standby pursuant to Article 20 of the ILWU local 26 Watchmen's Agreement;
- (e) Approved fall arrest system;
- (f) The term "approved" in (a), (b), (c), (d), and (e) means approved and accepted by ANSI or applicable state or federal regulations, depending upon jurisdiction.

Rule 613. No fencing, gangway, gear, ladder, lifesaving means or appliances, lights, marks, stages, or other things whatsoever required to be provided under this Code shall be removed or interfered with by any person except when duly authorized or in case of necessity, and shall be restored at the end of the emergency period for which its removal was necessary.

Rule 614. When, in line of duty, an employee is specifically authorized to ride in a vehicle, he shall sit on an adequate seat so

that no part of his body extends beyond the sides of the vehicle; so that he will not be injured by shifting or moving loads and will not be overbalanced or thrown off due to a sudden stop, jolt or turn.

Rule 615. Riding on tongues or handles of trailers, or forks of lift trucks is prohibited.

Rule 616. Jumping on or off moving vehicles is prohibited.

Rule 617. No person shall not ride on haulage equipment or the back of trucks, except when authorized in line of duty.

Rule 618. When removing tarps, employees shall, when possible, walk forward, drawing the tarp behind them.

Rule 625. Employees shall keep the work area orderly and shall keep unnecessary material from underfoot at all times.

Rule 626. Employees shall step down from elevations. Jumping is prohibited.

Rule 627. If vehicles, tools, materials, appliances, or any gear (including empty stevedoring boards) are at any time found to be in need of repair, defective, or in any way unsafe, it shall be reported immediately to the person in charge of work. Any such unsafe or doubtful gear or equipment shall be marked and placed so that it cannot be used by employees until properly repaired.

Rule 628. Employees shall not engage in any activity which will distract them from their duties.

Rule 629. The use of personal electronic devices, i.e., AM/FM radios, cellular phones, portable TVs, portable tape players,

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and lap-top computers are prohibited on the job, except when authorized in line of duty.

Rule 635. Standing in the bight of a line is prohibited.

Rule 645. Dunnage, lumber, or shoring material in which there are visibly protruding nails shall be removed from the immediate work area, or, if left in that area, the nails shall be bent over or otherwise rendered harmless.

Rule 649. Clothing shall be worn that is suitable for the work to be performed and that provides protection from the elements.

Rule 650. In order to avoid needless injury, appropriate foot protection shall be worn to protect against falling, crushing or penetrating actions. Footwear, such as open-toed sandals, moccasins, go-aheads, bedroom slippers, high-heeled shoes, and similar footwear is inappropriate and shall not be worn.

Rule 651. All employees shall be required to wear a protective helmet at all times when working in areas where there is a potential for injury to the head from falling objects. All such equipment issued after January 1, 2000 shall comply with American National Standards Institute ANSI Z 89.1, 1997

(Personal Protection - Protective Headwear for Industrial Workers-Requirements). Employees employed in the following areas and employees engaged in the operation of the following equipment are exempted:

- (a) Offices on piers or marine terminals;
- (b) Rest rooms and cafeterias;

- (c) Cranes with enclosed cabs;
- (d) Vehicles with adequate overhead protection;
- (e) Terminal gates;
- (f) Container freight stations.

When employees leave the above equipment or areas to work on a marine terminal or aboard a vessel, or where the employer has issued or posted instructions that hard hats are required despite the above exceptions, employees shall wear their hard hats.

Rule 652. Gear and equipment shall be used in a manner consistent with its designed or approved use.

Rule 654. Both hands shall be used when climbing all ladders. Articles which are too large to go into pockets or on belts shall be raised or lowered in a safe manner.

Rule 656. All protective equipment and safety equipment provided by the employer shall be properly used, maintained, stored, and accessible to watchmen.

Rule 658. While placing or removing traffic cones, watchmen shall not position themselves in the bight, or other dangerous areas, where they could be injured by the tractor wheels, container, chassis, other equipment, or moving objects.

Rule 660. Radios are provided to pass essential information during operations. Communications on all radio channels shall be kept to an absolute minimum. Using a radio for personal communication is prohibited

DUTIES OF VEHICLE OPERATORS

A vehicle operator shall carry out the following duties:

Rule 901. Shall test brakes, shifting mechanisms, accelerator mechanisms, windshield wipers, steering gear, warning safety lights, horn and, where equipped, seat belts and mechanisms for raising, lowering and tilting before starting work. Upon completion of the inspection, the vehicle operator shall immediately report any defects to the sergeant on the job, who shall act promptly to correct the defect in the gear, vehicle, machinery or any unsafe working condition. (See terminal specific checklists).

Rule 902. Shall operate vehicles in such a manner as to give him an unobstructed view of the direction of travel, and shall drive in reverse when necessary.

Rule 903. Shall be especially cautious and sound horn when approaching blind corners, or other places where vision is obstructed.

Rule 904. Shall obey and enforce all speed and traffic regulations and other applicable haulage equipment rules.

Rule 905. Shall have the vehicle at all times under control so that it can be brought to an emergency stop in the clear space in front of the vehicle.

Rule 906. Shall not permit an employee to ride on haulage equipment, unless equipment is designed to accommodate passengers and has a designated safe seat.

Rule 907. Shall set brakes and shut off motor when leaving vehicle unattended.

Rule 908. Vehicles designed to be operated from a sitting position shall be provided with seats. Seats, and backrests when provided, shall be properly maintained. Vehicles shall be operated from the seat or platform only and not while standing alongside, unless the equipment is designed to be operated in this manner. All equipment designed to be operated from a sitting position and purchased after June 1, 1985 shall be equipped with padded or molded seats and backrests.

Rule 909. Shall at all times operate his vehicle in a safe manner and in accordance with its intended use.

Rule 910. Vehicle operators shall observe all the general safety rules contained in Section 6 of this Code and pay particular attention to Rules 604, 605, 628, and 629.

Rule 911. No load or beam on a lift truck or crane shall be suspended or swung over any employee, except when hooking up gear, or the load to the beam.

Rule 919. Vehicle operators shall park chassis and bomb carts in areas designated by the employer. Chassis and bomb carts shall be parked so as to minimize obstructing the driving areas.

Rule 921. When operating motor vehicles or other power - operated equipment provided with an operator restraint system or seat belt, all operators shall have the operator restraint system or seat belt properly fastened whenever the vehicle is in motion.

Rule 922. All operators shall use caution when mounting/dismounting equipment. Employees shall step down from elevations.

SHIPBOARD SAFETY RULES

Rule 1005. A safe fore and aft walkway over deck loads shall be provided.

Rule 1014. Where watchmen are working in the same hatch on different levels, a net shall be provided to prevent men and cargo from falling on men below. Also, a steel net or wire rope tautly secured or other positive barrier shall be rigged with three feet (3') clearance from the edge of the upper level maintained to prevent motorized vehicles from falling on the men below.

Rule 1015. Watchmen operations shall not be carried on when chipping or scaling of decks, bulkheads or sides of vessels creates excessive noise which interferes with communication of warnings or instructions. Watchmen operations shall not be carried on in the hold or on deck beneath men working in the rigging overhead when such overhead work creates a hazard of falling objects. Watchmen operations shall not be carried on where employees are exposed to injurious light rays, hot metal, or sparks, any of which result from welding or cutting. Watchmen operations shall not be carried on where employees are exposed to unsafe concentrations of dust or vapors from sandblasting or spray painting.

Rule 1016. When cargo is stowed in a hatch where employees are required to work eight feet (8') or more above an open deck or floor, a safe means (platforms or safety nets) shall be rigged to prevent men from falling.

Rule 1020. Stowed or piled cargo in ship's holds which is likely to shift or roll shall be secured or blocked.

Rule 1021. Precautions shall be taken to prevent the falling, sliding, or spreading of cargo raised or lowered by hoisting gear.

Rule 1022. When loads are being hoisted in or out of hatch, all men below shall stand in the clear.

Rule 1040. Appropriate fall arrest systems shall be available to employees exposed to falling from the top of deck loads of logs.

Rule 1044. No employee shall enter or be allowed to remain in a workplace in which a hazardous condition exists resulting from hazardous substances or materials in the atmosphere such as fumigants, pesticides, insecticides, asbestos, hazardous preservatives or any known carcinogen, etc., until proper precautions have been taken.

- (a) Whenever it has been ascertained or the possibility exists that such a hazardous condition is present, the exact nature of the hazard, if any, shall be determined. Air sample tests shall be made by qualified persons acquainted with the hazard, trained for the duty and provided with proper equipment. Where Federal or state regulations prescribe inspector qualifications, they shall apply.
- (b) Protective equipment, such as protective clothing, gloves, respirators, goggles, etc., shall be provided whenever there is exposure to hazardous cargo and / or conditions.

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- (c) First aid supplies shall be provided and first aid shall be administered by a qualified person whenever employees are exposed to and adversely affected by hazardous cargo and or conditions.

Rule 1045. Manholes and other deck openings which are flush with deck shall be barricaded by use of either covers or railings.

Rule 1046. The handling of explosives shall be in accordance with United States Coast Guard regulations.

Rule 1047. No worker shall work on a deck load of cargo or containers directly adjacent to an open hatch, except when adequate protection against falling into the hatch is provided.

Rule 1048. When a crane is loading or unloading a tier of containers across a vessel, employees working aloft on that tier shall maintain a minimum athwartship distance of five (5) container widths or half the width of the tier, whichever is greater, offshore of the container being loaded or unloaded.

Rule 1049. Employees shall not walk or work in the aisles adjacent to a container bay being loaded or discharged, except when the uppermost tier is being worked. Employees lashing or unlashng while the uppermost tier is being worked shall maintain a minimum athwartship distance of five (5) container widths or half the width of the tier, whichever is greater, offshore of the container being handled by the crane.

Rule 1051. Where a fall arrest system is used, the following shall apply:

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- (a) The fall arrest system shall be used only for employee fall protection.
- (b) The components of the fall arrest system shall be “approved” as per Rule 612.
- (c) Only a full body harness shall be used.
- (d) The fall arrest system shall be rigged to minimize free fall distance, with a maximum free fall distance of six feet (6’).
- (e) Each terminal shall have an established procedure to rescue personnel in case of a fall, with the procedure posted at the guard shack
- (f) The fall arrest system shall incorporate an energy absorbing mechanism.
- (g) All connectors shall be designed and used to minimize accidental disengagement. Snap hooks shall be positive locking. (A spring-loaded keeper over the throat of the hook is not adequate.)
- (h) The fall arrest system shall be attached to a tie-off point capable of sustaining at least twice the potential impact load of an employee’s fall when certified by a qualified person, or 5,000 pounds in the absence of a certification by a qualified person. When more than one employee is attached to a tieoff point, the above limits shall be increased proportionately. Positive means shall be taken to prevent the movement of equipment when used as tie-off points. When container lifting beams are used as tieoff points, there shall be a shut off switch to prevent the crane from trolleying, hoisting, or gantrying.

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There shall be a visible indicator to the men on the container tops. Said indicator shall be a light affixed to the bottom of the crane cab. When the light is on, the container beam is alive. When workers are tied off to a live beam, the crane shall operate only in "slow-mode." Such cranes shall be equipped with an indicator light.

- (i) Harness, lanyards, and energy absorbers (except those which are integral to a self-retracting lifeline) which have been subjected to impact loading shall be removed from service and destroyed. All other components of the fall arrest system shall be inspected and serviced by a competent person as per the manufacturer's recommendations.
- (j) Horizontal lifelines shall have a tensile strength capable of sustaining at least twice the potential impact load of an employee's fall when certified by a qualified person, or 5,000 pounds in the absence of a certification by a qualified person. When more than one person is tied off to a horizontal lifeline, the above limits shall be increased proportionally.
- (k) All components of the fall arrest system shall be inspected and maintained as per the manufacturers recommendations. (See also Rule 339.)

Rule 1052. Where personnel cages are used to hoist or lower employees, they shall comply with the following:

- (a) The cage shall be used to carry only personnel, their tools and necessary materials, and equipment to perform the work.

- (b) The cage shall be designed to a minimum safety factor of four based on ultimate strength. The maximum rated capacity and the cage's weight shall be posted on the cage. Cages shall be maintained to their design specifications. The cage shall be taken out of service if any defects are found affecting safe use.
- (c) Guardrails complying with Rule 1111, midrails and toeboards or another equally effective enclosure shall be provided for employees riding the cage. The entrance(s) to the cage shall be provided with a means of closure. Adequate overhead clearance shall be provided for employees riding the cage.

Where an overhead hazard exists the top of the cage shall be covered with expanded metal or equivalent. A solid covering is prohibited where it would obstruct the line of sight between the crane operator and the employees riding the cage. The cage shall be equipped with a means of storing tools, cones, materials, and equipment. The storage area shall not be loaded above the top restraining member.

- (d) The cage shall be secured to the hoisting apparatus by a positive means. The means of attachment shall have a safety factor of at least five (5) based on the weight of the cage and its maximum rated capacity. Where the cage is secured by twistlocks on the container spreader beam, there shall be a secondary means of attachment.
- (e) Prior to being placed into service for the first time the cage shall be loaded to 200 percent of its maximum rated capacity, hoisted over a full operational cycle, and suspended for a minimum of five (5) minutes. Where the

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cage is secured by twistlocks on the container spreader beam, there shall be a secondary means of attachment.

- (f) The crane operator shall remain at the controls at all times while employees are suspended in the cage. Employees being hoisted shall remain in continuous sight of, and communication with, the crane operator or signalman. The crane operator shall move the cage only on a clearly understood communication from the employee in the cage, which may be relayed by the signalman. When the cage is left aloft without the crane in attendance, a radio or an emergency alarm system shall be available. Employees shall keep their bodies and extremities within the periphery of the cage while it is in motion. The cage shall not be loaded in excess of its maximum rated capacity, as posted.

DOCK SAFETY RULES

Rule 1101. When dangerous or broken floors or piers and bulkheads cannot be temporarily repaired in an adequate manner, they shall be properly barricaded and warning lights shall be provided during hours of darkness until permanent repairs are made. Supervision shall immediately notify the proper authorities to institute permanent repairs in accordance with Rule 402.

Rule 1102. Docks, piers, wharves or terminals shall be maintained in a safe condition. All surfacings and pavings shall be maintained in good repair.

Rule 1103. The structural integrity of docks, piers, wharves, terminals, and working surfaces shall be maintained. Maximum safe load limits of floors within buildings and structures in pounds

per square foot shall be conspicuously posted in all cargo areas. Maximum safe load limits shall not be exceeded.

Rule 1104. No employee shall enter or be allowed to remain in a workplace in which a hazardous condition exists resulting from hazardous substances or materials in the atmosphere such as fumigants, pesticides, insecticides, asbestos, hazardous preservatives or any known carcinogen, etc., until proper precautions have been taken.

- (a) Whenever it has been ascertained or the possibility exists that such a hazardous condition is present, the exact nature of the hazard, if any, shall be determined. Air sample tests shall be made by qualified persons acquainted with the hazard, trained for the duty and provided with proper equipment. Where Federal or state regulations prescribe inspector qualifications, they shall apply.
- (b) Protective equipment, such as protective clothing, gloves, respirators, goggles, etc., shall be provided whenever there is exposure to hazardous cargo and / or conditions.
- (c) First aid supplies shall be provided and first aid shall be administered by a qualified person whenever employees are exposed to and adversely affected by hazardous cargo and or conditions.

Rule 1105. Lights on ships and aprons shall be so located as not to shine into the eyes of, or otherwise interfere with, the vision of watchmen.

Rule 1106. One or more lights shall be kept burning after dark on the apron near the gangplank or other means of access to the

ship. Gangways shall be kept adequately illuminated to their full length. All means of access and walkways leading to working areas as well as the working areas themselves shall be adequately illuminated.

Rule 1109. Except where vehicle curbs or bullrails six (6') or more inches in height already exist, or where vehicular traffic is prohibited or impossible, vehicle curbs or bullrails at least nine inches (9') in height shall be provided at the waterside of flush aprons and bulkheads.

Rule 1110. Guardrails of sufficient strength and design shall be provided at permanent dock locations where employees are required to be present when a hazard exists of falling a distance of four feet (4') or into the water, except at loading platforms and docks and at waterside edges used for cargo handling or lines handling.

Rule 1111. Guardrails shall be constructed of suitable material such as chain, wood, wire rope, fiber rope or pipe and the top of guardrails shall be forty-two inches (42") high, plus or minus three inches (3').

Rule 1112. Gear on the dock shall be arranged so as not to create a hazardous situation for men walking, moving, or working on dock.

Rule 1113. Material shall be piled so that it will not collapse when part of pile or adjoining piles are removed.

Rule 1114. Safe means of access to high piles in terminals, warehouses or on lighters shall be provided. Jumping or

climbing up or down on pieces of lumber protruding from tiers is prohibited.

Rule 1115. The immediate work area of all docks, aprons, floors, and other places where persons are engaged in the operations shall be kept free from litter and clean, and passageways shall be kept open.

Rule 1116. Grease, oils, etc., spilled where operations are being carried on shall be immediately cleaned up and covered by sand or other suitable material.

Rule 1117. A liberal supply of sand or other suitable material shall be kept readily available on each terminal and vessel for use on slippery places.

Rule 1118. Dock doors having counterbalances shall have the counterbalances enclosed so that it is impossible for a man to walk under them.

Rule 1119. Gangplanks, accommodation ladders and gangways shall be placed or shifted in a safe manner using mechanical equipment when necessary for this purpose.

Rule 1122. There shall be no spray painting or sandblasting in the immediate vicinity of watchmen operations.

Rule 1123. All electric arc or gas welding operations shall be shielded so as to prevent injuries to employees working in the near vicinity, and fire protection equipment shall be provided.

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Rule 1127. A means of direct communication shall be provided between the discharge or shipboard control end of loading spouts, suckers, chutes and the point from which the flow of cargo is controlled. (There shall be a direct means of communication from the source of the cargo and the shipboard control station.)

Rule 1136. Railroad crossings at gates and roadways within terminal areas shall be marked with sufficient signage and lighting.

Rule 1150. In container yard areas, all locking/unlocking of chassis shall be done in such a way as to allow adequate room and adequate lighting at all four corners of the chassis.

Rule 1151. When a noxious condition exists under a canopy due to truck exhaust, then the trucks shall shut down their engines.

Rule 1152. Materials such as cones, lashing rods, turnbuckles, etc., which are not secured or set in place shall be removed from container tops, cell lids, or hatch covers prior to hoisting. Turnbuckles left in place shall be laid down. (This shall not preclude the hanging of any type of lashings or cones from the corner castings during loading and discharging.)

Rule 1153.

- (a) Speed limits shall be posted, observed, and strictly enforced.
- (b) Stop signs shall be posted at all gates. Stop or yield signs shall be posted at all intersections.
- (c) Drivers shall not cut across traffic lanes or through

container storage areas or park vehicles and equipment across railroad/crane tracks, except as directed by watchmen.

- (d) A diagram of the traffic routes, parking areas, and a list of traffic rules shall be provided to all watchmen operating in the marine terminal. All marine terminal traffic rules and regulations shall be obeyed by all drivers. Sergeants under the direction of management shall take measures to control traffic, including discipline of any driver who creates a safety hazard.
- (e) The location of first aid kits, stokes baskets, public telephones, assembly areas, together with the appropriate emergency telephone numbers and the emergency radio channel (Per Rule 362) shall be noted on the diagram as described above in Sub Section (d).
- (f) The diagram as discussed in Sub Section (d) above shall be made available to all employees.

Rule 1154 Employees working within a marine terminal or onboard a Ro-Ro vessel shall be provided with and shall wear a high visibility vest that is marked with reflectorized material.

Rule 1161. When working on or crossing rail tracks, employees must step over and not on top of rails, frogs, switches or guard rails.

Rule 1163. All vehicles used to transport longshore workers will be designed to accommodate driver and passengers and have designated safe seats. Such vehicles shall be equipped with exhaust systems which are in full compliance with the relevant sections of this code.

Rule 1169. Trailers or containers loaded with hazardous materials shall be appropriately placarded.

Rule 1171. Unlicensed rolling stock restricted to marine terminals, other than cargo, shall have reflectorized striping on all four (4) sides.

Rule 1173. In Top Handler, Side Handler and Reach Stacker or RTG operations, containers of different lengths shall not be stowed in the same bay.

HAULAGE EQUIPMENT

Rule 1201. Every power truck operated from an end platform or pedal position shall be equipped with a substantial guard securely attached to the platform or frame of the vehicle in such a manner as to protect the operator and designed so that the operator can easily mount or dismount from his operating station.

Rule 1202. Exhaust pipes, connections, and mufflers on internal combustion engine-driven vehicles shall be maintained in good repair.

Rule 1203. Internal combustion engines shall be maintained and adjusted so as to minimize excessive smoke. Engines not so maintained shall be taken out of service until repaired.

Rule 1204. Internal combustion lift truck exhausts shall discharge away from the normal position of operator. When lift trucks are equipped with vertical exhaust pipes, the exhaust pipes shall extend not less than one foot above operator's head, where possible.

Rule 1205. Tires on equipment shall be replaced when the tire does not meet the manufacturer's specifications.

Rule 1207. Internal combustion engine-driven vehicles shall be used only where ventilation exists or is provided which will keep the carbon monoxide content of the air at or below the permissible level of 50 parts per million as an 8-hour timeweighted average and the ceiling level of 100 parts per million.

(See Rule 106.)

Rule 1209. Power-driven vehicles shall be operated at a safe speed compatible with conditions and with city, state, federal laws and port regulations.

Rule 1210. Only persons authorized by the employer shall be permitted to operate motor vehicles, or to crank motors on mechanical equipment.

Rule 1211. Fuel tanks shall not be filled while engine is running.

Rule 1212. When filling gasoline tanks, the hose nozzle shall be kept in constant contact with the tank in order to prevent ignition of vapor by static sparks, and fuel caps shall be used, replaced and secured following fueling operations.

Rule 1213. When gasoline or LPG tanks are uncovered or exchanged during fueling, smoking shall be prohibited in the vicinity.

Rule 1214. Gasoline and LPG tanks shall not be opened, filled, exchanged or left open except in specially designated areas.

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Rule 1221. Heavy duty highway trailers shall be moved in such a manner that, at all times, the moving trailer is under control.

Rule 1227. When haulage equipment is provided with safety lights, these lights shall operate when the engine ignition is switched on.

Rule 1228. Operators' seats on haulage equipment shall be maintained in safe condition, including padded seats and backrests when so equipped.

Rule 1229. Internal combustion engine exhaust gases shall discharge away from the normal position of operating personnel. When yard tractors are equipped with vertical exhaust pipes, the exhaust pipe shall extend one foot (1') above the operator's head.

Rule 1231. Yard semi-tractors shall be equipped with a flashing light conforming to Rule 1227, and with side view mirrors. The right hand side view mirror shall also be equipped with a convex mirror.

Rule 1232. All controls, levers, switches, indicator lights and warning devices on straddle carriers, side loaders, top picks, hustlers (UTRs), log stackers and front-end loaders, shall be plainly marked as to purpose or use.

Rule 1234. All vehicles used to transport longshore workers will be designed to accommodate driver and passengers and have designated safe seats. Such vehicles shall be equipped with exhaust systems which are in full compliance with the relevant sections of this code.

Rule 1238. The Employer shall ensure that the load capacity of all bombcarts is clearly marked and visible on both sides.

CRANE SAFETY RULES

Rule 1419. Obstructions shall not be placed in the immediate active travel area of rail-mounted shore-based cranes or within three feet (3') of moving or traveling parts which would create an area where a person could be pinned, except this shall not apply to crane legs which travel within three feet (3') of the face of the dock, or where less than three feet (3') of clearance between crane legs and gangways exists. When such condition exists, it shall be called to the attention of the workers and they shall use extreme caution whenever they are in these areas. Where employee access to the backreach area of container cranes on the dock is required, a clearance of six feet (6') shall be maintained between the crane and any obstruction.

Rule 1436. Footwalks, where installed, shall be of rigid construction and permanently secured. Walking surfaces shall be of anti-slip type, fitted on exposed sides with toeboards when necessary to prevent injury to employees below and with guardrails or handrails as appropriate.

Rule 1437. Electrical equipment shall be located or enclosed so that live parts will not be exposed to accidental contact except during such maintenance and inspection activity as requires circuits to be energized, performed by qualified mechanics or electricians.

Rule 1438. At least one portable fire extinguisher of not less than 5 ABC rating or equivalent shall be provided in a readily

accessible location in the cab or in close proximity, available for immediate use.

CONTAINER SHIP SAFETY RULES

Rule 1501. Employers shall provide adequate illumination. Adequate illumination is defined as light levels in walking and working areas which enable employees to safely perform assigned tasks and to be seen by other employees operating equipment. Lights shall be placed so that they do not shine in the eyes of employees.

Rule 1502. When containers are being loaded or discharged, the working side walkway of the ship shall be either roped off or other means taken to caution persons using the walkway that containers are being hoisted overhead.

Rule 1507. Employees shall not jump to adjacent containers in stow when there is a hazard of falling between containers. Lashing bridges made of aluminum or other suitable and safe material shall be provided and used. Ladders shall not be used as horizontal bridges.

Rule 1508. Lashings, other material, and cones shall not be dropped or thrown from aloft.

Rule 1512. No worker shall work on a deck load adjacent to an open hatch, except when adequate protection against falling into the hatch is provided.

Rule 1513. Employees shall not walk or work in the aisles adjacent to a container bay being loaded or discharged, except when the uppermost tier is being worked. Employees lashing or

unlashing while the uppermost tier is being worked shall maintain a minimum athwartship distance of five (5) container

widths or half the width of the tier, whichever is greater, offshore of the container being handled by the crane.

Rule 1515. Where a fall arrest system is used, the following shall apply:

- (a) The fall arrest system shall be used only for employee fall protection.
- (b) The components of the fall arrest system shall be “approved” as per Rule 612.
- (c) Only a full body harness shall be used.
- (d) The fall arrest system shall be rigged to minimize free fall distance, with a maximum free fall distance of six feet (6’).
- (e) Each terminal shall have an established procedure to rescue personnel in case of a fall.
- (f) The fall arrest system shall incorporate an energy absorbing mechanism.
- (g) All connectors shall be designed and used to minimize accidental disengagement. Snap hooks shall be positive locking. (A spring-loaded keeper over the throat of the hook is not adequate.)
- (h) The fall arrest system shall be attached to a tie-off point capable of sustaining at least twice the potential impact load of an employee’s fall when certified by a qualified person, or 5,000 pounds in the absence of a certification

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by a qualified person. When more than one employee is attached to a tieoff point, the above limits shall be increased proportionately. Positive means shall be taken to prevent the movement of equipment when used as tie-off points. When container lifting beams are used as tieoff points, there shall be a shut off switch to prevent the crane from trolleying, hoisting, or gantrying. There shall be a visible indicator to the men on the container tops. Said indicator shall be a light affixed to the bottom of the crane cab. When the light is on, the container beam is alive. When workers are tied off to a live beam, the crane shall operate only in "slow-mode." Such cranes shall be equipped with an indicator light.

- (i) Harness, lanyards, and energy absorbers (except those which are integral to a self-retracting lifeline) which have been subjected to impact loading shall be removed from service and destroyed. All other components of the fall arrest system shall be inspected and serviced by a competent person as per the manufacturer's recommendations.
- (j) Horizontal lifelines shall have a tensile strength capable of sustaining at least twice the potential impact load of an employee's fall when certified by a qualified person, or 5,000 pounds in the absence of a certification by a qualified person. When more than one person is tied off to a horizontal lifeline, the above limits shall be increased proportionally.
- (k) All components of the fall arrest system shall be inspected and maintained as per the manufacturers recommendations. (See also Rule 339.)

CONTAINER TERMINAL SAFETY RULES

Rule 1601. Marked or designated walkways shall be provided and maintained from the gate to the working area in a container yard. Employees shall use those walkways and equipment operators shall be advised of the location of the walkways, the possibility of pedestrians being in the walkways and instructed to follow any warning signs at vehicle crossing points.

Rule 1602. Signs or verbal instructions to guide pedestrians to walkways shall be provided.

Rule 1603. Marked or designated areas shall be set aside within a container or roll-on/roll-off terminal for passage of employees to and from active cargo transfer points and the gate and the vessel, except where transportation to and from these points is provided by the watchmen.

Rule 1604. Materials such as cones, lashing rods, turnbuckles, etc., which are not secured or set in place shall be removed from container tops, cell lids, or hatch covers prior to hoisting. Turnbuckles left in place shall be laid down. (This shall not preclude the hanging of any type of lashings or cones from the corner castings during loading and discharging.)

Rule 1605.

- (a) Speed limits shall be posted, observed, and strictly enforced.
- (b) Stop signs shall be posted at all gates. Stop or yield signs shall be posted at all intersections.
- (c) Drivers shall not cut across traffic lanes or through

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container storage areas or park vehicles and equipment across railroad/crane tracks, except as directed by watchmen.

- (d) A diagram of the traffic routes, parking areas, and a list of traffic rules shall be provided to all watchmen operating in the marine terminal. All marine terminal traffic rules and regulations shall be obeyed by all drivers. Sergeants under the direction of management shall take measures to control traffic, including discipline of any driver who creates a safety hazard.
- (e) The location of first aid kits, stokes baskets, public telephones, assembly areas, together with the appropriate emergency telephone numbers and the emergency radio channel (Per Rule 362) shall be noted on the diagram as described above in Sub Section (d).
- (f) The diagram as discussed in Sub Section (d) above shall be made available to all employees.

Rule 1606. At vehicular check-out lines, check-in lines or similar locations where employees in the normal performance of their duties may be located behind, ahead or around a vehicle, signs shall be clearly posted to warn oncoming drivers.

Rule 1607. A distance of not less than twenty feet (20') shall be maintained between vehicles in line when employees are located between them. A visible and/or verbal means shall be used to identify this safety zone.

Rule 1608. When pedestrian employees are required in storage rows, a means to warn approaching vehicle operators shall be used and vehicles shall be equipped with warning devices such

as lights, horns, PA system, etc., to notify employees of vehicle presence in the vicinity.

Rule 1609. Employees working within a marine terminal or onboard a Ro-Ro vessel shall be provided with and shall wear a high visibility vest that is marked with reflectorized material.

Rule 1612. Vehicle operators shall observe applicable operator duties in Section 9.

Rule 1614. In container yard areas, all locking/unlocking of chassis shall be done in such a way as to allow adequate room and adequate lighting at all four corners of the chassis.

Rule 1615. When a noxious condition exists under a canopy due to truck exhaust, then the trucks shall shut down their engines.

Rule 1616. When working in conjunction with container cranes against a ship, portable chairs shall not be used.

Rule 1617. Employees working on foot inside a container storage row where container handling equipment is operating shall notify equipment operators in the area of their presence and location, and place an indicator that is clearly visible to the operator in the immediate work area. Equipment operators shall not enter those rows except when their movement is coordinated with the employee on foot.

Rule 1622. While installing or removing cones from containers, employees shall not position themselves in the bight where they could be injured by the tractor wheels, container, chassis or other equipment.

Rule 1623. All vehicles used to transport longshore workers will be designed to accommodate driver and passengers and have designated safe seats. Such vehicles shall be equipped with exhaust systems which are in full compliance with the relevant sections of this code.

GENERAL AND MARINE RAIL SAFETY RULES

Rule 17.101. Employers with rail facilities shall develop a written rail safety plan which is terminal specific and in accordance with all JWAPSC rules. This plan shall be posted and designate those responsible for safe train movement, loading and discharge operations. The plan shall also address the servicing railroad company and those other companies who may be affected by a rail movement, through and/or adjacent to their terminal. The rail safety plan shall be made available upon request. This plan will include a description of terminal specific procedures and operations using the eight core elements of the Rail Safety Rules:

- 1) Written Safety Plan
- 2) Rail/Terminal Access/Egress
- 3) Train Movement Procedures
- 4) Control Devices
- 5) Supervision/ Sergeants
- 6) Communications
- 7) Safe Work Practices
- 8) Security Responsibility and Safety

Rule 17.102. Employers with rail facilities shall develop and post a map of the terminal yard. The map shall identify terminal parameters, track location, switches, vehicle and material handling equipment traffic lanes and crossing points, pedestrian lanes, traffic control devices and train movement warning devices. Maps shall be made available upon request.

Rule 17.103. Rail operation logs shall be kept in accordance with terminal, state, and federal regulations.

Rule 17.104. Employers shall have a written procedure for maintaining the security of control devices. The procedure shall describe how keys and locks for control devices, e.g., switches, gates, derailleurs, are stored, issued, collected, and inventoried. When the duties of watchmen require, he shall be provided a copy for the safety of all watchmen.

Rule 17.105. The employer shall have a written procedure for notifying supervision and employees of scheduled and unscheduled train movement.

Rule 17.106.

- (a) Speed limits shall be posted, observed, and strictly enforced.
- (b) Stop signs shall be posted at all gates. Stop or yield signs shall be posted at all intersections.
- (c) Drivers shall not cut across traffic lanes or through container storage areas or park vehicles and equipment across railroad/crane tracks, except as directed by watchmen.

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- (d) A diagram of the traffic routes, parking areas, and a list of traffic rules shall be provided to all watchmen operating in the marine terminal. All marine terminal traffic rules and regulations shall be obeyed by all drivers. Sergeants shall take measures to control traffic, including discipline of any driver who creates a safety hazard.
- (e) The location of first aid kits, stokes baskets, public telephones, assembly areas, together with the appropriate emergency telephone numbers and the emergency radio channel (Per Rule 362) shall be noted on the diagram as described above in Sub Section (d).
- (f) The diagram as discussed in Sub Section (d) above shall be made available to all employees.

17.200 RAIL/TERMINAL ACCESS/EGRESS

Rule 17.201. Terminal gates shall be equipped with locks and proper identifying signs/lights. Prior to access or egress, watchmen shall ensure that gates are locked and unlocked and that signals are displayed.

Rule 17.202. Tracks shall be numbered and marked to be visible day and night and shall be consistent with railway track designations.

Rule 17.203. Switches shall be numbered, marked and be consistent with railway switch designations. Switches must be visible both day and night and shall indicate direction of travel.

Rule 17.204. Railroad crossings at gates and roadways within terminal areas shall be marked.

17.300 TRAINMOVEMENTS

Rule 17.301. Prior to a train entering a terminal facility, confirmation to enter the terminal must be provided to sergeants of affected operations.

Rule 17.302. Prior to authorizing train access to a terminal, supervision and sergeants shall ensure switches are lined away and locked out from tracks to be protected and employees are warned of train movement.

Rule 17.303. All trains shall be accompanied by a watchmen's escort vehicle when the train is entering, transiting, or departing a rail facility. The watchmen's escort vehicle shall guard the point by driving abreast of the lead car.

Rule 17.304. Rail facilities shall have a positive method to warn employees of train movement, which shall include audio and visual signals. Such signals shall be visible and audible to pedestrians and equipment operators.

Rule 17.309. Railroad cars shall not be moved until it has been assured that the way is clear, nor without due warning being given to any exposed person. (See Rule 17.725.)

Rule 17.403. Protection by suitable warning signs or other means as necessary shall be provided against employees stepping in front of moving trains where doorways open directly onto railroad tracks, at blind corners, or at other places where the field of vision is restricted.

Rule 17.404. Railroad cars being worked within a marine terminal shall be identified with signals (regulation flags, lights or signs) clearly placed to indicate that employees are working within, on or under rail cars.

- (a) Such signals shall be placed and removed by one of the employees working in and about the rail cars as directed by supervision.
- (b) Switching equipment shall not pass signals on the track protected by that signal.
- (c) All signals used for protection of employees shall be of a type recognized by the railroads and watchmen and capable of being set securely.

17.500 SUPERVISION/ SERGEANTS

Rule 17.501. Supervision / sergeants shall give safety talks at the beginning of each shift. Topics may include: Layout of yard, projected rail activity and individual responsibilities.

Rule 17.502. When work is being performed on or around railcars, supervision / sergeants shall be responsible for the following safety precautions:

- 1) All switches shall be lined away from protected tracks, locked and properly flagged.
- 2) When there are no lockout switches, a derailer shall be set and properly flagged to protect the track.

Derailers shall be set no less than 150 feet from the railcar to be protected. However, where space is limited, a minimum distance of 50 feet may be observed.

- 3) Appropriate signals shall be placed on each open end of railcar strings to be protected before work commences.
- 4) Other equipment shall not be placed on tracks being worked so as to block or reduce the view of warning signals.

Rule 17.503. Security for control device procedures shall be explained by supervision to longshore employees. (See also Rule 17.104.)

Rule 17.504. Prior to train movement, rail pusher operators and supervision shall confirm that switches have been properly aligned and that all affected personnel have been advised of the movement.

17.600 COMMUNICATIONS

Rule 17.601. There shall be radio communications between rail yard engine/rail pusher operators and watchmen . Radios shall be made available and provided with a conveniently located mounting bracket or permanently installed.

Rule 17.602. Sergeants shall be responsible for assigning radios for rail operations to units or individuals not working under direct supervision.

Rule 17.603. The railpusher shall be informed of any coupling or uncoupling of railcar air hoses.

Rule 17.604. Radio communications that give rail movement instructions shall be repeated for confirmation.

17.700 SAFework PRACTICES

Rule 17.701. Personnel working in rail facilities shall be attired as prescribed in Rule 1154.

Rule 17.704. When walking around the end of standing railcars, at least ten feet clearance shall be maintained.

Rule 17.705. Employees shall not ride on moving rail cars.

Rule 17.706. Employees shall not walk on the siderails of rail cars unless they are designed for that specific purpose.

Rule 17.707. No work shall be performed on top of, or in between rail cars that are coupled to a locomotive or pusher.

Rule 17.719. Employees shall not pass under, between, over or through railroad cars when going to or from places of work.

Rule 17.725. When watchmen are working in between or underneath railway cars there shall be a watchmen stationed nearby to warn of any movement of the cars. (See Rule 17.309.)

Rule 17.726. A clear area extending 7 feet 6 inches from the nearest rail of all tracks shall be maintained. The cleared area shall be marked.

Rule 17.727. Employee's shall not be allowed to be on, under, or between rail cars on tracks.

PREVENTING DISEASE TRANSMISSION
HIGH VISIBILITY VESTS AND HARDHATS
AUTOMATIC EXTERNAL DEFIBRILLATORS (AEDS)

PREVENTING DISEASE TRANSMISSION

The parties agree that the employers shall during the existing CPR and First Aid training, provide a module of instruction and training dealing with the subject of Bloodborne and other infectious Pathogens (such as MSRA). This instruction and training shall conform to the appropriate regulatory guidelines.

HIGH VISIBILITY VESTS AND HARDHATS

Every three years at no cost to the employee, the employer will provide to every ILWU-PMA Watchmen a safety vest conforming to ANSI/SEA 107-1999 class 2 standards and hard hat (either Fibre Metal model #E-2SW-yellow or Jackson safety stubby yellow model # 0740-0081, including chin straps) conforming to ANZI Z 89.1 at the ILWU-PMA training centers during the GST training. The above items will be provided to all new members of the work force at their first GST class. Vest/hats that are damaged or worn out will be replaced at no cost to the employee at the ILWU-PMA training centers, provided the damaged or worn out vest/hat is produced at the time of exchange. Vest/hats lost or misplaced will be replaced at no cost to the employee at the ILWU-PMA training centers provided the employee completes a claim form giving reason/details of the loss. The ILWU agrees to actively promote the wearing of the approved ANSI Standard safety vest and hard hats as outlined above.

AUTOMATIC EXTERNAL DEFIBRILLATORS (AEDS)

During the course of 2002 PCMSC Negotiations, the parties could not come to an agreement regarding the issue of Automatic External Defibrillators (AEDs) on the terminals. It was

AUTOMATIC EXTERNAL DEFIBRILLATORS (AEDS)

agreed that this subject would be a topic of discussion at future Joint Pacific Coast Marine Safety Committee meetings.

/s/ Timothy Peterson

/s/ Luisa Gratz

For the Employers

For ILWU Local 26

4/6/09

4/6/09