

COMPLAINT NUMBER: _____

NOTICE: In JWLRC Mtg. No. 04-22, the Joint Watchmen’s Labor Relations Committee (JWLRC) agreed to suspend through March 4, 2022, the scheduling of hearings on Section 13.2 claims during the COVID-19 health crisis. Grievances that meet the Section 13.2 criteria will be heard in the order that they were filed once this suspension of the hearing process ends.

**IMPORTANT NOTICE OF GRIEVANCE & HEARING
LOCAL 75 WATCHMEN’S AGREEMENT SECTION 16
HARASSMENT, DISCRIMINATION & RETALIATION CLAIMS**

ATTENTION: A Grievance has been filed by/on behalf of

_____ which accuses _____, of discrimination, harassment and/or retaliation in violation of Watchmen’s Agreement Section 16.

A copy of the Grievance is enclosed.

The ILWU-PMA Equal Employment Opportunity Policy and Procedures, including the Special Grievance/Arbitration Procedures for PCL&CA Section 13.2 Grievances have been adopted under Section 16 of the Watchmen’s Agreement. Copies of these documents are included in the ILWU-PMA Handbook. They may be obtained from the PMA Northern California Area or the ILWU Local 75 offices, and are also available at PMANET.ORG. Please review the Policy and Procedures for more details

No one may be retaliated against for filing or supporting a complaint of discrimination or harassment under Section 16. Special Grievance proceedings are to be treated as confidential to protect the privacy rights of those involved.

This Form, and the Policy and Procedures, are subject to revision. Please ensure you are aware of the current Policy and Procedures. Please keep a copy of this Form for your records.

NOTICE OF HEARING

TO ALL INVOLVED PARTIES:

Note that in JWLRC Meeting No. 04-22, the Joint Watchmen’s Labor Relations Committee (JWLRC) agreed to suspend through March 4, 2022, the scheduling of hearings on Section 13.2 claims during the COVID-19 health crisis. Grievances that meet the Section 13.2 criteria will be heard in the order that they were filed once this suspension of the hearing process ends.

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The Area Arbitrator has scheduled a hearing on the Grievance for
(date & time) _____,
at (location) _____.

The Grievant, Accused, and all material witnesses directed by the Area Arbitrator must attend the hearing. The Grievant and watchman accused of violating Section 16 may each have one representative attend, who will either be a registered watchman of his/her choice, or appointed by ILWU Local 75. Additionally, two persons may attend the hearing on behalf of, respectively, ILWU Local 75, PMA, and the involved Employer.

After the hearing, the Arbitrator will promptly advise all Parties in writing of his/her decision. The Arbitrator's decision will be final and binding unless timely appealed to the Coast Appeals Officer. The Coast Appeals Officer will not hold a hearing, but will rule on appeals based solely on the written record (the transcript of any hearing and its exhibits, and the decision received from the Area Arbitrator). The Coast Appeals Officer will promptly advise the Parties in writing of his/her ruling, which will be final and binding and without further appeals, including to the Coast Arbitrator. Please see the ILWU-PMA Equal Employment Opportunity Policy and Procedures and the Grievance Form for more details.

COMPLAINT NUMBER: _____

NOTICE TO THE ACCUSED

If you have been accused of violating Section 16, please review the following and promptly mail or fax this Form back to the Area Arbitrator. It is extremely important that the accused attend the hearing as scheduled above. Serious consequences will be imposed upon anyone found to have violated Section 16, and upon witnesses and those accused of violating Section 16 who do not appear at the hearing as directed. A copy of the ILWU-PMA Equal Employment Opportunity Policy and Procedures, including the Special Grievance/Arbitration Procedures for Section 13.2 Grievances, is enclosed for the accused. Please promptly review these procedures and prepare your position for the hearing.

If you are a watchman accused of violating Section 16, you may ask ILWU Local 75 to appoint an ILWU Local 75 representative for you or, if you prefer, you may have one registered (Class A or B) watchman assist you. (Please note that the Union is not responsible for the representation provided by representatives who are not appointed by the Union). Please check one:

- ___ 1. As the accused, I want ILWU Local 75 to appoint a representative for me.
- ___ 2. As the accused, I will designate a Class A or B watchman to represent me.

If you have already arranged for a representative, write his/her:

Full Name: _____
Address: _____
Phone Number: _____ Fax Number: _____
Registration Number: _____

Witnesses To Appear At The Hearing

Upon request by the Grievant or the Accused, the Area Arbitrator may direct material witnesses to appear at the hearing, so long as s/he receives the request at least five (5) calendar days before the hearing. Please identify below any material witnesses you want the Area Arbitrator to direct to appear at the hearing. For each individual listed below include, to the extent you know, his/her full name (please, no nicknames), job title, registration status (and work number, where known), employer, address, phone and fax numbers, and any other identifying/contact information you have. If after filing this Form you become aware of other material witnesses you want the Area Arbitrator to direct to attend the hearing, promptly send a written request to the Area Arbitrator, as long as it is at least five (5) calendar days before the hearing.

Full Name: _____ Work Number (if any): _____
Address: _____
Phone Number: _____ Fax Number: _____

COMPLAINT NUMBER: _____

Other Information: _____

Full Name: _____ Work Number (if any): _____
Address: _____
Phone Number: _____ Fax Number: _____
Other Information: _____

Full Name: _____ Work Number (if any): _____
Address: _____
Phone Number: _____ Fax Number: _____
Other Information: _____

If you wish to request that other witnesses be directed to appear, please attach additional pages.

ACCUSED: PLEASE SIGN AND DATE: _____

If you have been accused of violating Section 16, please promptly mail or fax this Form back to the Area Arbitrator and the Local 75 Watchmen' JPLRC.

Northern California Area

13.2 Arbitrator and JPLRC, c/o Pacific Maritime Association
Attn: Watchman Section 16 Grievance
475 14th Street, Suite 300, Oakland, CA 94612
Facsimile: 510/839-0285

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The section below is for use by the Arbitrator.

Send Notice to Accused & enclose:

1. Grievance, excluding Complainant's contact information (in Section I);
2. Section 13 Policy & Procedure Documents (JCLRC Minutes, Mtg. No. 13-01; Section 13; Letters of Understanding A-C).

Copy Notice and Grievance to the PMA Northern California Area and ILWU Local 75 offices

Copy Notice and Grievance, excluding Complainant's contact information (in Section I), to other Parties including Grievant.