

San Diego
2021 Foreman Application and Selection Process Informational Guide

The Joint Foremen's Labor Relations Committee (JFLRC) will be accepting applications for foremen registration. Online Application Forms will be made available at selfservice.pmanet.org using the directions outlined in the Foreman Application Flyer commencing on Monday, August 2, 2021. If you wish to apply, you must complete the Online Application Form and submit it online at the pmanet.org website by August 31, 2021. **All applications must be submitted electronically at the website provided.**

Only longshore workers and clerks who:

- (1) are **currently** registered as Class A workers in Local 29, and
- (2) have **5** years Class A registration in Locals 13, 63, 46 and/or 29 as of August 31, 2021, with
- (3) the minimum Qualifying Hours (described in Exhibit A), are eligible to apply to become a foreman in the Port of San Diego.

In addition to meeting the above requirements, registered mechanics are eligible to apply only after 12 years of steady mechanic employment or after 15 years of service (pursuant to the November 23, 2002 Letter of Understanding Mechanic Employment Requirement).

This is an equal employment opportunity process, prepared with the assistance of an outside expert consultant with many years of experience with the Southern California longshore industry and its hiring of foremen. The JFLRC welcomes applicants without regard to any protected characteristic, including without limitation race, sex, sexual orientation, age, national origin, religion, or disability.

If you are eligible and may apply, please review the following documents:

- (1) This Guide, which describes the steps in the application and selection process.
- (2) The list of Critical Job Duties and Functions of the foreman position.
- (3) The Written Test Preparation Guide that identifies job knowledge areas that may be tested on the written test. The guide includes sample questions.
- (4) The Online Application Form.

The following describes the steps in this foreman selection process:

Step 1: Application Review. The JFLRC will review all timely received applications and determine which applicants are eligible to proceed. Applications will be rejected, for example: (1) if they were not submitted timely and completely filled out (including electronic signature); (2) if the applicant is not currently a Class A registered in Local 29; (3) if the applicant lacks the required minimum years as a Class A registrant; (4) if applicable, the applicant has not satisfied the mechanic service requirements; or (5) if the applicant had been offered, but declined, registration as foreman during the 36 months preceding the application submission deadline. Those applicants who pass the application review move on to Step 2.

Step 2: Qualifying Hours Review. Applicants who move beyond the Application Review step will have their PMA-maintained payroll records evaluated to determine if they have at least 6,500 Qualifying Hours over the five(5) years preceding August 31, 2021, for an average of 1,300 Qualifying Hours per year. The hours that count as Qualifying Hours for this foreman registration, and the process by which this review occurs, are described in Exhibit A, attached. Applicants determined to have the minimum required Qualifying Hours will move on to Step 3.

Step 3: Written Test. The written test measures an applicant's knowledge of the Pacific Coast Longshore Contract Document (PCLCD) and Pacific Coast Marine Safety Code (PCMSC). The test has been developed by the Committee's expert consultant in conjunction with Subject Matter Experts. The test will be administered and scored by the expert consultant. A Written Test Preparation Guide identifying specific sections of the PCLCD and PCMSC that may be tested, with some sample questions, is attached. The test also measures job-related basic math/mechanical abilities, which may include counting containers, quickly and accurately calculating heights, weights, amounts, distances, center points, balance points on oddly-weighted objects, or the direction an object will likely go when lifted from the ground, and more. Foremen must be prepared to make such calculations on the job (sometimes in isolated areas) without the aid of a calculator or other mechanical devices. It is recommended that applicants practice their basic math skills without the use of a calculator. The JFLRC will determine how many and which applicants who take the written test will continue to the interview phase of the process.

Step 4: Interview. A qualified foreman must be able to communicate effectively, make effective and practical judgments, and properly make decisions. He or she must be truthful in words and actions, aware of safety-related issues, respectful of him/herself and others, must maintain flexibility and a willingness to learn new techniques, be conscientious and dependable, remain levelheaded during times of stress, and be assertive and take initiative when it is proper to do so. Practicing these skills while working as a longshore worker or clerk is an excellent way to help prepare to become an effective foreman, and for the interview. The interview includes situational questions that allow applicants to indicate how they would act in hypothetical situations, and experience questions that allow applicants to indicate when and how they have performed in the past. The interview process and questions have been developed by the Committee's expert consultant in conjunction

with Subject Matter Experts. The expert consultant will administer and score the interviews.

Step 5: Registration Eligibility List. Those who pass the interview will be placed onto an eligibility list (Registration Eligibility List). As the JFLRC determines registration is needed, the JFLRC will decide how many and which applicants on the Registration Eligibility List will be offered probationary registration (subject to satisfactory completion of the remaining requirements). The JFLRC need not offer probationary registration to all individuals on the Registration Eligibility List, and may end or modify the selection process at any time.

Step 6: Probationary Status; Mandatory Training and Screening. An offer of probationary foreman registration will be conditioned upon passing a drug and alcohol screening, and the Work/Disciplinary Record Review described below. Those applicants accepted for probationary foreman status will be required to attend training classes. Appointments will be made by the JFLRC at set times and specifically selected facilities. No other facilities may be utilized. Failure to submit to training and testing as scheduled will result in an applicant's failure to maintain probationary status.

Other: Ongoing Work/Disciplinary Record Review. The JFLRC may, at its discretion, disqualify or defer applicants with unsatisfactory work records or disciplinary records inconsistent with what the JFLRC, in its expertise, recognizes as required to work effectively and safely as a registered foreman (for example, complaints/discipline under the collective bargaining agreement, which the JFLRC may choose to review at any time). Disqualification may occur at any time, including after applicants have completed any or all the steps of the process or been placed on or selected from an eligibility list.

By signing this Application, you agree and understand what is outlined above.

The JFLRC may, at its discretion, at any time without notice, change or revoke the procedures for foreman selection.

The JFLRC will notify applicants who are disqualified from the foreman selection process via regular U.S Mail to the address the applicant has on file with PMA. To challenge disqualification, an applicant must submit a written appeal, as outlined below, within ten (10) calendar days of the date of the notification letter. Exception: For appeals based on lacking the required minimum Qualifying Hours, applicants have 21 calendar days to appeal that determination. (See Exh. A). If the appeal deadline falls on a weekend or federal holiday, then the deadline shall be extended to the next regular business day.

Appeals must include the applicant's full name, original signature, registration number, address, daytime and evening telephone numbers (with area code), and a description of the pertinent facts and the basis on which the disqualification is challenged. Appeals must be mailed to the JFLRC c/o the Pacific Maritime Association, P.O. Box 21618, Long Beach,

CA 90802. The JFLRC will review and render its decision on each appeal. The JFLRC will notify the person who appealed of its decision.

Exhibit A

“Qualifying Hours” for 2021 San Diego Foreman Selection Process

Applicants must have a minimum of 1,300 Qualifying Hours per year, on average (so, a total of 6,500 Qualifying Hours) over the five (5) years preceding August 31, 2021. The hours that count as Qualifying Hours for the purpose of this foreman registration, and the review process, are described below.

“Qualifying Hours” are only hours for which pay is received under the PCLCD, PCCCD, and/or the PCWB&FA, with the following exceptions/clarifications: Excluded from Qualifying Hours are (1) vacation hours, (2) holiday hours, (3) Pay Guarantee Plan hours accrued *outside* of the first two quarters of 2020, (4) any other hours paid at Guarantee Occupation Codes for time not worked, (5) mechanic hours worked, and (6) most clerk hours worked -- only clerk hours worked in Chief Supervisor and Supercargo Occupation Codes count toward Qualifying Hours. Also included in Qualifying Hours are “Union Service” hours worked, as described and subject to the documentation required below.

The Committee will undertake an initial review of each applicant’s hours for which pay is received in the five (5) years preceding August 31, 2021, subject to the exclusions noted above. If, based on this initial review, an applicant satisfies the minimum Qualifying Hours requirement, s/he will be invited to advance to the Written Test component of the selection process.

If, based on this initial review, an applicant does not satisfy the minimum Qualifying Hours requirement, the Committee will advise the applicant of that fact and alert the applicant that s/he may request consideration as to Qualifying Hours in one or more of the Special Circumstances set out below:

“Qualifying Hours Special Circumstances”:

- a. An applicant who is advised by the Committee that s/he does not have sufficient Qualifying Hours as specified above, but believes s/he has a basis for a partial exception due to **illness, injury, or absence from work protected by law**, may request that the Joint Foremen’s Labor Relations Committee waive/except portions of the hours requirement, if and only if s/he does the following. When advised by the Committee that s/he lacks the required minimum Qualifying Hours, the applicant must provide the facts and supporting documentation to support partial waiver/exception of the minimum Qualifying Hours requirement to the Committee, in writing, within 21 calendar days. If the 21st day falls on a weekend or federal holiday, the deadline shall be extended to the next regular business day. The request should include an explanation of how and when the applicant was prevented from working, efforts made to meet the minimum hours requirement (if applicable), and documentation supporting the absence.

The Committee will review the applicant’s appeal and supporting documentation and determine whether the minimum hours requirement will be waived or excepted, based on all relevant circumstances. If the Committee agrees that Qualifying Hours should be

allowed (for purposes of this foreman registration process only) for periods when an applicant did not receive pay for hours worked, hours will be allowed proportional to the hours worked by the applicant in the four (4) payroll quarters preceding the period when the applicant was not paid for hours worked.

b. An applicant who is advised by the Committee that s/he does not have sufficient Qualifying Hours as specified above, but believes s/he may have sufficient hours if **Union Service** hours are counted, must within 21 calendar days provide the Committee with documentation of periods of Union Service with hours worked (note: only those already in PMA's system will be considered), entity worked for, and job title. If the 21st day falls on a weekend or federal holiday, the deadline shall be extended to the next regular business day.

Only the following is considered "Union Service" for promotion to foreman:

- A. Union Service for the following Union(s) only: (i) International Longshore & Warehouse Union (ILWU International); (ii) ILWU Locals (Longshore Division only - longshore, clerk, foremen/walking bosses) anywhere on US West Coast.
- B. Union Service in the following Job Categories (Mainland only, not Hawaii): (i) ILWU International: President; Vice President; Secretary-Treasurer; Joint Coast Labor Relations Committee representatives; Benefit Specialist; (ii) ILWU Locals: Presidents; Vice Presidents; Secretary-Treasurers; Labor Relations Committee representatives; Business Agents; (iii) Dispatchers (longshore registrants and casuals, clerks, foremen/walking bosses) ("ILWU Dispatchers").

For applicants seeking Qualifying Hours for Union Service, the Committee will review the applicant's appeal and supporting documentation along with the evidence of hours already in PMA's system, and determine whether, with the Union Service hours, the applicant meets the minimum Qualifying Hours required.