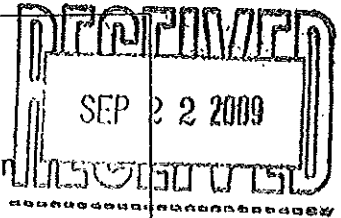


<p>IN THE MATTER OF A CONTROVERSY</p> <p>BETWEEN</p> <p>PACIFIC MARITIME ASSOCIATION</p> <p>AND</p> <p>INTERNATIONAL LONGSHORE AND WAREHOUSE UNION LOCAL 63</p> <p>Re: Alleged Violation of Section 1 of the PCCCD by ITS</p>	<p>SCAA-0037-2009</p> <p>Opinion and Decision</p> <p>of</p> <p>David Miller Area Arbitrator</p> <p>August 27, 2009</p> <p>Long Beach, California</p>
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The hearing was held at 9:45 AM on August 27, 2009 at 300 Oceangate 12th Floor, Long Beach, California. Each party was afforded full opportunity for examination and presentation of relevant arguments, documents, and testimonies of witnesses. A Certified Shorthand Reporter was in attendance and recorded a transcript of the hearing.

APPEARANCES:

FOR THE EMPLOYERS:

Carl Halbert
Pacific Maritime Association

FOR THE UNION:

Adrian Diaz
Robert Maynez
ILWU Local 63

ALSO PRESENT:

B. Kitagawa, ITS
B. Gathy, ITS
M. Podue, Local 63
J. Mascola, Local 63
E. Ceja, PMA

ISSUE:

Whether ITS is in violation of Section 1 of the PCCCD by assigning the input of updating generator set information and updating container damage information into the ITS computer system by NBUP.

DISCUSSION:

UNION:

The Union asserts this issue is similar in substance to numerous local and Coast awards that were decided in the Union's favor.

The above awards were submitted in support of the Union's position.

EMPLOYER:

It is the contention of the Employer that the job functions in dispute are recognized in the 1953 Port Supplement as general office work and not that of a marine clerk.

OPINION:


This issue is analogous to the past awards written by this Arbitrator as to the work functions in dispute.

Again, the Employer has failed to persuade the Arbitrator to reach a decision that would be dissimilar to past awards of the same basic issue.

The Master Agreement is again the controlling document and Section 1 is unambiguous in describing the job functions described in this dispute.

DECISION:

1. ITS is found guilty of violating Section 1 of the PCCCD by allowing NBUP to perform marine clerk work.
2. ITS shall immediately assign the job functions in the instant dispute to marine clerks.



David Miller
Area Arbitrator
Southern California

Dated: September 22, 2009