



# INTERNATIONAL LONGSHORE & WAREHOUSE UNION COAST LONGSHORE DIVISION

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## MEMORANDUM

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**TO:** ILWU Coast Longshore Division Locals in California  
**FROM:** The Coast Committee  
**SUBJECT:** **New Class Action Lawsuit**  
**DATE:** April 30, 2020

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Recently, the Coast Committee learned of a class action lawsuit brought by five longshore workers and marine clerks in Southern California against PMA and its member companies. This lawsuit seeks over \$100 million in damages under California wage and hour law. The plaintiffs' attorneys are seeking to represent classes including all registered and casual longshore workers, marine clerks, watchmen, and foremen in California for the last four years. PMA will soon be required to provide the names and home addresses of these ILWU members and casual longshore workers to the plaintiffs' attorneys. Your members may be contacted by these plaintiffs' attorneys and have questions about the lawsuit.

### **1. Your Members Are Not Required To Communicate With The Plaintiffs' Attorneys.**

We expect that your members may receive letters from the plaintiffs' attorneys seeking information about the lawsuit and suggesting that they may be eligible to receive money from the lawsuit. It is important that your members know that they do *not* have any obligation to respond to the plaintiffs' attorneys if they do not want to do so. That said, you also may not prohibit your members from speaking plaintiffs' attorneys if they choose to do so.

### **2. This Lawsuit Threatens The Dispatch Hall.**

After the Big Strike in 1934, the Employers lost control over the dispatching of longshore jobs through the inequitable "shape up" and in its place arose the current fair and equitable system of distributing work opportunities under union control. As a result, the dispatch halls have become part of the ILWU's culture and a place where ILWU members can interact away from management and the Employers.

This lawsuit claims that ILWU members are working for and under the control of the Employers the moment they step into the Dispatch Hall, a claim that if successful would shift the hard fought ILWU control of dispatch to increased Employer control. The ILWU will fight to preserve the Dispatch Halls for the Union and not for the Employers.

### **3. This Lawsuit Threatens Contractual Practices.**

The lawsuit also attacks Port Working Rules and other practices concerning the nature and hours of ILWU jobs. These rules have been negotiated at the Port level to benefit ILWU members and provide them with maximum flexibility in their work hours. The lawsuit is trying to impose rigid work rules that could require ILWU members to work more hours or receive less pay.

Additionally, the ILWU fought to ensure that TWIC cards are not a condition of employment, keeping the Employers outside of the process. The lawsuit could have unknown impacts on how TWIC is treated on the dock.

### **4. The ILWU's Response**

We will defend the Dispatch Halls, Port Working Rules, and arbitration decisions that are foundational to the ILWU and to the protection of ILWU workers. We hope that you will join us in opposing these efforts that threaten our union and the strength of its membership.