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International Association of Machinists and Aerospace Workers District Lodge 160, Local Lodge 289 and SSA Marine, Inc. and International Longshore and Warehouse Union. Case 19–CD–502

July 22, 2011

DECISION AND DETERMINATION OF DISPUTE

BY CHAIRMAN LIEBMAN AND MEMBERS BECKER
AND PEARCE

This case involves a jurisdictional dispute over SSA Marine, Inc.’s assignment of certain work to employees represented by the International Longshore and Warehouse Union (ILWU) rather than employees represented by the International Association of Machinists and Aerospace Workers District Lodge 160, Local Lodge 289 (IAM). On December 15, 2010, the Board issued a Decision and Determination of Dispute,¹ awarding the work to employees represented by the ILWU. On May 24, 2011, however, the Board issued an Order² vacating that decision as having been “improvidently issued” at a time when there was no valid charge pending in Case 19–CD–502 because the Regional Director for Region 19 had previously approved the withdrawal of the charge. The Board’s Order also remanded the matter to the Regional Director for further action.

On May 26, 2011, the Regional Director for Region 19 reinstated the charge in Case 19–CD–502.

In light of the Board’s May 24, 2011 Order vacating its December 15, 2010 Decision and Determination of Dispute, there is currently no valid award of the work in Case 19–CD–502.

On May 27, 2011, the Regional Director for Region 19 filed a request with the Board to issue a new Decision and Determination of Dispute in Case 19–CD–502.

¹ 356 NLRB No. 54.

² 356 NLRB No. 161.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has decided that employees represented by the ILWU are entitled to perform the work in dispute for the reasons stated in the decision reported at 355 NLRB No. 3, which is incorporated herein by reference.

DETERMINATION OF DISPUTE

The National Labor Relations Board makes the following Determination of Dispute.

1. Employees of SSA Marine, Inc., represented by International Longshore and Warehouse Union, are entitled to perform maintenance and repair work on SSA Marine’s stevedoring and terminal service power equipment while it is present at Terminal 91 in Seattle, Washington.

2. International Association of Machinists and Aerospace Workers District Lodge 160, Local Lodge 289, is not entitled by means proscribed by Section 8(b)(4)(D) of the Act to force the Employer to assign the disputed work to workers represented by it.

3. Within 14 days from this date, International Association of Machinists and Aerospace Workers District Lodge 160, Local Lodge 289, shall notify the Regional Director for Region 19 in writing whether it will refrain from forcing the Employer, by means proscribed by Section 8(b)(4)(D), to assign the disputed work in a manner inconsistent with this determination.

Dated, Washington, D.C. July 22, 2011

Wilma B. Liebman, Chairman

Craig Becker, Member

Mark Gaston Pearce, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD