

9. Disciplinary Provisions.

9.1 Class "B" longshoremen and Class "B" clerks shall be subject to discipline or deregistration by the JPLRC in accordance with the following uniform rules:

9.11 An individual who has made any misstatement or misrepresentation in the application for registration or related documents or interview shall be deregistered.

9.12 An individual who has failed, without leave of absence or adequate reason or excuse to work for a period of thirty consecutive days or longer, shall automatically be deregistered.

9.13 An individual who over a period of four consecutive payroll weeks has failed to work or be available for dispatch 70% of such period, except when on leave of absence for illness, disability or for other reason approved by the JPLRC, shall be subject to the following penalties:

First Offense: a probationary warning

Second Offense: mandatory deregistration  
(with notice of the first offense and after warning)

9.14 An individual who has failed to be available for work or shifts to which the individual may have been assigned by the Committee shall be deregistered.

9.15 An individual who fails to develop in respect to the abilities or knowledge requisite to the performance of longshore or clerks' work and/or safety program under guidelines and time limits established by the JPLRC shall be deregistered.

9.16 An individual who fails, when so instructed, to appear in person at a duly-noticed JPLRC meeting shall be placed on the nondispatch list for all companies and ports unless such individual timely shows proof of physical inability

to attend in person. Such an individual may be removed from the nondispatch list only upon appearance in person at the next properly-noticed JPLRC meeting, though he may still be subject to discipline or deregistration for noncompliance with LRC rules and directives. An unapproved failure to appear a second time at a properly-noticed JPLRC meeting shall result in automatic deregistration.

- 9.17 An individual who works in a manner that endangers the safety of others shall be deregistered.
- 9.18 An individual who has been found guilty under the grievance procedure of the PCL&CA on a charge of pilferage shall be automatically deregistered.
- 9.19 An individual found guilty under the grievance procedure of the PCL&CA of intoxication on the job or of being under the influence of stimulating or depressive-type drugs on the job shall be subject to the following penalties:
- First Offense: minimum of 30 days off
- Second Offense: automatic deregistration
- 9.20 An individual who has been found guilty under the grievance procedure of the PCL&CA of having committed assault or battery on the job or in the dispatch hall or has done so at any other location when such action is related to the individual's responsibility of good conduct toward officials, staff members, or supervisory employees of ILWU, PMA or PMA Member Companies shall be deregistered.
- 9.21 An individual who fails to make payment of the pro rata share of expenses of the dispatching hall, the Joint Port Labor Relations Committee, etc., as fixed by the JPLRC or is delinquent in making such payments under uniform rules established by the JPLRC shall be deregistered.

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- 9.22 An individual who violates low-man-out dispatching rules or procedures or other dispatching rules that the JPLRC determines to be sufficient cause for deregistration shall be deregistered.
- 9.23 An individual whose job performance is poor or who has engaged in misconduct as a longshoreman or clerk shall be subject to deregistration.
- 9.24 An individual may be deregistered for any other lawful cause or reason provided that neither membership or nonmembership in the Union, nor activity or nonactivity for or against the Union or absence thereof, nor race, creed, color, sex, age, national origin, nor religious or political beliefs shall be a factor in such deregistration.
- 9.25 The JPLRC may impose severe disciplinary action or deregistration depending on the severity of the offense and the number of previous offenses for conduct described in Sections 11.11, 11.12, 11.13 and 11.14, and such action shall count against the individual when consideration is given for advancement to Class "A" registration. A Class "B" longshoreman or clerk engaging in the following conduct shall be subject to discipline.
- 9.251 Individuals smoking on the job, in unauthorized places, shall be assessed the penalties set forth in the PCL&CA.
- 9.252 Discipline shall be imposed for misconduct in the dispatching hall, refusal to work as directed, refusal to take orders, leaving the job without authorization, creating disturbances, or general improper attitude, including arriving late on the job or leaving the job early.
- 9.253 An individual who fails to show on the job or who fails to obtain a replacement shall be subject to two weeks' suspension from work on the first offense.

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9.254 Any individual who has violated procedures or rules that the JPLRC determines to be sufficient cause for disciplinary action.

10. Screening of Applications.

The JPLRC shall disqualify any applicant for Identified Casual or Class "B" registration or transfer for any of the following reasons:

- a) applicants who were previously deregistered for cause or whose casual dispatch privileges were revoked for cause;
- b) applicants who are habitual drinkers or drug abusers or applicants who, in the last five years, have been found guilty of first or second-degree homicide or grand theft or sale/peddling of illegal drugs;
- c) applicants who are unable or unwilling to perform all basic longshore or basic Marine Clerks' work;
- d) applicants who do not possess a valid vehicle driver's license;
- e) applicants who fail to successfully complete a pre-employment medical examination, Drug and Alcohol Screening Test, and Strength/Agility and Cognitive Tests;
- f) applicants who do not display sufficient knowledge of the English language to respond to written and verbal safety warnings;
- g) applicants who fail to successfully complete required safety training; and
- h) applicants who are retirees under the ILWU-PMA Pension Plan.

11. Disciplinary Provisions -- Casuals.

Disciplinary provisions regarding casual employment, availability and dispatch shall be in accordance with Section 17.86 of the PCL&CA.