

IN EXPEDITED ARBITRATION

In the Matter of the Arbitration Between:
STEAMSHIP TRADE ASSOCIATION OF BALTIMORE, INC.

and

INTERNATIONAL LONGESHORMEN'S ASSOCIATION LOCAL 333
Before M. David Vaughn, Arbitrator

PRELIMINARY RELIEF

This proceeding takes place pursuant to Article XIII, Section 6 (d) of the USMX-ILA Master Contract to resolve a grievance filed by USMX to protest a strike by ILA Local 333 affecting the Port of Baltimore. A hearing was held in Baltimore on October 18, 2013 at which USMX was represented by attorney Donato Caruso, Steamship Trade Association of Baltimore by Attorney Michael Collins and Local 333 by Attorney Jennifer Stair. ILA Attorneys Andre Mazolla and Kevin Marrinan were made aware of the date, time and location of the hearing but did not appear.

The grievance challenges the Local's conduct as violative of the no strike provision of the Master Contract. On an interim basis USMX requests issuance of a preliminary Order to Local 333 to cease and desist from striking against or slowing down work and accepting orders to work master contract work (container and RO-RO cargo). This Order does not cover work covered under a local agreement.

The evidence establishes that the Master Contract is in effect, that it includes a no strike provision, that the Local has been and is on strike against STA and its member companies in consequence of failure to reach a local agreement and that the strike extends to work exclusively covered by the Master Contract. The evidence does not support a conclusion that implementation of the Master Contract was stayed or that the no strike provision was not in effect with respect to Local Union conduct in connection with local negotiations. The evidence persuades me that Local 333 violated its obligations under the Master Contract by striking against the performance of work covered under the Master Agreement. The picket lines established against reserved gates and at the Dispatch Center which provides labor for the performance of Master Contract work are not bona fide.

The violations described have caused and are causing substantial and potentially irreparable harm and injury to STA members and customers and are

causing losses of revenues and customer goodwill and have jeopardized future business at the Port.

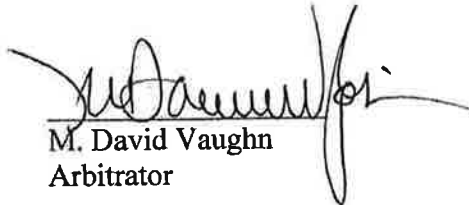
The Employer's request for a preliminary cease and desist order prohibiting Local 333 from further violations of the no strike provision of the Master Contract through striking and picketing and any other conduct covered is granted. The Local is so ordered.

Picketing is prohibited at gates designated as Neutral and/or for Master Contract cargo, work and people. Local 333 and STA shall make such arrangements at the Dispatch Center to allow access to people and work covered by the Master Contract without the necessity for them to cross any picket line. That may be accomplished by designating exclusive access for such work or by removal of the picket lines from the Dispatch Center and its vicinity.

Jurisdiction is retained with respect to further and permanent cessation from any such interruption and for possible action with respect to other work, as well as with respect to the Union's liability for damages suffered by STA and its members and/or customers.

Further hearings will be scheduled and a full Opinion and Award will or may be issued subsequent to such hearings.

Issued at Baltimore, Maryland this October 18th, 2013.


M. David Vaughn
Arbitrator