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<http://www.bizjournals.com/seattle/news/2015/01/06/retailers-cautiously-optimistic-as-feds-intervene.html>

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Retailers cautiously optimistic as feds intervene in port union dispute

By Sarah Aitchison, January 6, 2015 (1:34 p.m.), Puget Sound Business Journal

There is a beacon of hope for resolving negotiations between the union workers at ports along the West Coast and the representatives of the terminal operators.

Monday, the Pacific Maritime Association and the **International Longshoreman and Warehouse Union** decided to jointly request a federal mediator to help resolve negotiations that have stalled West Coast ports for months.

Craig Merrilees, spokesman for the **ILWU**, said the Federal Mediation and Conciliation Service responded quickly and a representative was scheduled to arrive Tuesday afternoon.

"They will be meeting with both parties and be a part of the process," Merrilees said.

It's good news for businesses that have been affected by the slowdowns at West Coast ports. It means, at the very least, the two parties are trying a new approach to resolving contract disputes. But, it's anybody's guess if this will be a quick resolution.

There is no generalized timeline for how quickly negotiations can be resolved once a federal mediator gets involved, said John Arnold, director of the Office of Public Affairs for the Federal Mediation and Conciliation Service.

The two parties have been renegotiating a labor contract since May. The contract expired July 1. "While this is not an end to all problems, it's a small victory – so I'm pleased to hear it," said Shelly Boshart Davis, vice president of international sales for hay export company Bossco Trading, LLC. Organizations and businesses have been asking for federal intervention since the beginning of November, shortly after knowledge of the stalled talks became public.

But a federal mediator couldn't get involved unless both parties asked for one.

Companies that use the ports have been greatly affected by the slower ports. Gary Gieser, vice president of Sales and Marketing for MacMillan-Piper, a trading company that uses the ports, saw a 40-to-50 percent drop in revenue during the months of November and December.

In the Pacific Northwest, companies will need to three-to-four months to catch up on backlogged contracts. In California, they'll need closer to six months, said Blaine Calaway of Calaway Trading Inc.

The National Retail Federation also released a statement supporting federal intervention in disputes at the ports.

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<http://losangeles.cbslocal.com/2015/01/06/federal-mediator-to-assist-in-stalled-talks-between-port-workers-shipping-companies/>

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Federal Mediator To Assist In Stalled Talks Between Port Workers, Shipping Companies

By Margaret Carrero, January 6, 2015 (1:33 p.m.) KNX1070

A federal mediator is stepping in to help negotiate contract talks between West Coast dockworkers and shipping companies.

The Federal Mediation and Conciliation Service announced late Monday it would be assisting in the contract talks at the request of both parties.

“We are prepared and ready to render prompt assistance,” the agency’s acting director said. “Deputy Director Scot Beckenbaugh, a senior FMCS mediator with extensive collective bargaining experience in this industry has been assigned to help the parties bring these important negotiations to a mutually acceptable resolution.”

No information was released about dates and locations of planned negotiating sessions. Local officials hailed the mediator’s involvement.

“We are pleased that the **International Longshore and Warehouse Union** and the Pacific Maritime Association have agreed to enter mediation,” Los Angeles Mayor Eric Garcetti and Long Beach Mayor Robert Garcia said in a joint statement. “It’s in everyone’s best interest that goods keep flowing and people are working at our ports, which have a profound impact on our regional and national economies.

“We all want a contract that’s fair to the industry, its workers and the Ports of L.A. and Long Beach, and we are hopeful that the involvement of a federal mediator is the missing piece needed to get one signed,” the mayors said.

Since May, **ILWU** has been unable to reach a labor agreement with the Pacific Maritime Association, which represents shippers whose container vessels call on West Coast ports and requested the mediator after talks stalled, KNX 1070’s Margaret Carrero reports.

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<http://feedstuffs.com/story-federal-mediator-aid-west-coast-port-negotiations-45-122439>

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Federal mediator to aid West Coast port negotiations

January 6, 2015 – Feedstuffs (AgriBusiness)

After months of failed negotiations between the Pacific Maritime Association (PMA) and the **International Longshore and Warehouse Union (ILWU)**, the U.S. Federal Mediation Conciliation Service (FMCS) officially announced today that it will work with both parties to reach an agreement (*Feedstuffs*, Nov. 17, 2014). Agriculture organizations and agribusinesses recently urged President Obama to involve a federal mediator after companies began reporting the dispute was causing significant monetary losses.

On Dec. 22, the FMCS reported that it had received a request from representatives of the PMA to provide mediation services in labor negotiations with the **ILWU** for a collective bargaining agreement covering all West Coast ports. In accordance with its statutory responsibilities, the FMCS had been closely monitoring these negotiations for some time and had stood ready to provide mediation services. The PMA renewed its call for the assistance of federal mediation again on Dec. 29 in response to an **ILWU** press release, which reported only a few issues left to resolve.

“In response to a joint request for assistance from the parties, collective bargaining between **ILWU** and PMA representatives will continue as soon as possible under the auspices of the Federal Mediation and Conciliation Service (FMCS),” stated Allison Beck, acting director of the U.S. Federal Mediation and Conciliation Service. “We are prepared and ready to render prompt assistance.”

Deputy director Scot Beckenbaugh, a senior FMCS mediator with extensive collective bargaining experience in this industry, has been assigned to help the parties bring these important negotiations to a mutually acceptable resolution. The FMCS said it was not releasing information regarding future meeting dates and locations.

The FMCS, created in 1947, is an independent U.S. government agency whose mission is to preserve and promote labor-management peace and cooperation. Headquartered in Washington, DC, with 10 district offices and 67 field offices, the agency provides mediation and conflict resolution services to industry, government agencies and communities.

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http://www.joc.com/port-news/longshoreman-labor/international-longshore-and-warehouse-union/hopes-rise-pma-ilwu-talks-move-under-federal-mediator-guidance_20150106.html

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Hopes rise as PMA-ILWU talks move under federal mediator guidance

By Bill Mongelluzzo, January 6, 2015 (6:26 p.m.), Journal of Commerce (JOC.com)

A new stage of contract negotiations between the **International Longshore and Warehouse Union** and Pacific Maritime Association launched today as the negotiations moved under the auspices of the Federal Mediation and Conciliation Service.

Hopes were raised among long-suffering ports and cargo interests that mediation would help the negotiators achieve what they could not do on their own. Chris Lytle, executive director of the Port of Oakland, said federal mediation is a “key first step in breaking an eight-month negotiating impasse.”

The FMCS announced late Monday that both the **ILWU** and PMA had requested mediation, which is the key requirement for involvement by the federal agency. Today, a number of ports and importer-exporter groups announced their approval and optimism.

Port of Los Angeles Executive Director Gene Seroka said mediation will keep cargo flowing through West Coast ports while the ILWU and PMA negotiate a mutually-agreeable contract.

Expressing a need for action on behalf of cargo interests and other industry stakeholders, Port of Long Beach Chief Executive Jon Slingerup said “we urgently need a resolution” that will result in “restoring and improving productivity” at West Coast ports.

Indeed, importers and exporters are looking beyond simply a new labor contract and are demanding meaningful changes in work rules and practices that have caused productivity at West Coast ports to lag behind ports in Asia and Europe. Ports there are already handling the mega-ships with capacities of 18,000 20-foot container units that are expected to one day call in the U.S.

Peter Friedmann, executive director of the Agriculture Transportation Coalition, said that if the **ILWU** uses the contracting process to prevent automation of marine terminals and to maintain “antiquated practices such as the hiring hall” and adds costs and inefficiencies to chassis maintenance and repair, the **union** will succeed in “accelerating the diversion of cargo away from U.S. West Coast ports.”

Organizations that represent shippers have become increasingly vocal in recent months as their members missed key shipping dates and spoke of lost sales because of West Coast port congestion and **ILWU** work slowdowns and walk-offs.

Noting that nearly 50 percent of the clothing and shoes sold in the U.S. are imported through Los Angeles-Long Beach, the American Apparel and Footwear Association said its members have had “critical product deliveries delayed by three to four weeks as a result of the labor dispute.” AAFA said the peak spring season for clothing and footwear is rapidly approaching, so speedy resolution of the contract is essential for its members.

Industry stakeholders have high hopes for the federal mediation process. JOC.com noted in a Q&A feature today that federal mediators in fiscal year 2013 were actively involved in 4,122 cases, and 84 percent of those were settled through mediation.

Although FMCS can not impose an agreement upon the parties, skilled mediators have demonstrated that by bringing a fresh and neutral view to the negotiations, they are oftentimes able to get both sides to budge from the rigid positions that had prevented a settlement.

The **ILWU** and PMA have been careful since contract negotiations began in May not to reveal the issues being discussed, but in general terms automation and jurisdiction, such as involving the maintenance and repair of chassis, are said to be issues under consideration. The waterfront is experiencing a sea-change in work practices as technology and automation are eliminating some jobs while creating new work opportunities.

The negotiations proceeded for several months without major disruptions after the previous contract expired on July 1, but beginning in late October, according to employers, **ILWU** work slowdowns designed to gain leverage in the negotiations brought the already congested ports close to a state of gridlock. PMA requested mediation on Dec. 22, and on Monday **the ILWU** did the same, which opened the door for the FMCS to provide its services.

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http://www.landlinemag.com/Story.aspx?StoryID=28290#.VK2GISvF_Ng

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Port labor dispute sizzles with mediator, warehouse lawsuit

By Charlie Morasch, January 6, 2015, Landlinemag.com

The busy holiday retail shipping season is long gone, but the ongoing labor dispute at the Port of Los Angeles is moving no faster than the Titanic.

For much of the last year, ongoing labor problems between the **International Longshore and Warehouse Union (ILWU)** and the Pacific Maritime Association (PMA), as well as other parties, have slowed goods movement at several West Coast ports – most notably the massive twin ports at Los Angeles and Long Beach.

To address the issue, a federal agency dedicated to mediations is stepping in to bring the parties together.

A news release issued Monday by the U.S. Federal Mediation and Conciliation Service announced it would assign employees to mediate dialogue between the **ILWU** and the PMA.

“In response to a joint request for assistance from the parties, collective bargaining between ILWU and PMA representatives will continue as soon as possible under the auspices of the Federal Mediation and Conciliation Service, said Allison Beck, acting director of the FMCS, according to a news release.

“We are prepared and ready to render prompt assistance. Deputy Director Scot Beckenbaugh, a senior

FMCS mediator with extensive collective bargaining experience in this industry, has been assigned to help the parties bring these important negotiations to a mutually acceptable resolution,” Beck said.

The mediation comes after the National Retail Federation and 160 other companies and organizations urged President Obama to have a mediator step in.

FMCS cited agency policy in not releasing meeting dates or locations for the negotiations.

“In addition, the FMCS will have no further comment at this time regarding the status or substance of the negotiations,” the release said.

If the mediation settles problems with warehouse workers and the maritime association, don’t expect all labor problems surrounding the twin ports to stop.

In December, five employees filed a lawsuit against California Cartage Co. and two staffing services for alleged violations of Los Angeles’s living wage ordinance. The suit comes on the heels of complaints by truck drivers that multiple port-based motor carriers are misclassifying drivers as independent contractors to drive down wages and withhold employee benefits.

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<http://mynews1a.com/government/2015/01/06/local-officials-praise-mediation-efforts-ports-l-long-beach-labor-contract-dispute/>

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Local officials praise mediation efforts in ports of L.A., Long Beach labor dispute

By Colleen Park, January 6, 2015, MynewsLa.com

Local officials hailed the involvement of a federal mediator in contract talks between West Coast dockworkers and shipping companies.

“We are pleased that the **International Longshore and Warehouse Union** and the Pacific Maritime Association have agreed to enter mediation,” Los Angeles Mayor Eric Garcetti and Long Beach Mayor Robert Garcia Tuesday said in a joint statement. “It’s in everyone’s best interest that goods keep flowing and people are working at our ports, which have a profound impact on our regional and national economies.

“We all want a contract that’s fair to the industry, its workers and the Ports of L.A. and Long Beach, and we are hopeful that the involvement of a federal mediator is the missing piece needed to get one signed,” the mayors said.

The Federal Mediation and Conciliation Service announced late Monday it would be assisting in the contract talks at the request of both parties.

“We are prepared and ready to render prompt assistance,” the agency’s acting director said. “Deputy Director Scot Beckenbaugh, a senior FMCS mediator with extensive collective bargaining experience in this industry, has been assigned to help the parties bring these important negotiations to a mutually acceptable resolution.”

No information was released about dates and locations of planned negotiating sessions. Since May, **ILWU** has been unable to reach a labor agreement with the Pacific Maritime Association, which represents shippers whose container vessels call on West Coast ports.

The Pacific Maritime Association has accused the **ILWU** of engaging in a work slowdown at the ports of Los Angeles and Long Beach and other seaports in the Pacific Northwest while the negotiations dragged on. The union has denied the allegation, saying the congestion at the ports was caused by a series of factors, including the outsourcing of container chassis — the steel frames fitting with wheels that hold shipping containers.

Los Angeles City Councilman Joe Buscaino, who represents the port area, said it is critical to avoid “a deterioration in talks and arrive at an agreement as quickly as possible.”

“I am hopeful that we will come to a resolution that ensures continued growth of these valuable jobs that strengthen the future of our community and its economy,” he said.

Jon Slangerup, chief executive of the Port of Long Beach, also hailed the involvement of a mediator. “We urgently need a resolution to their long contract negotiations so they can join all of our industry stakeholders in restoring and improving productivity at all West Coast ports,” he said.

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<http://theloadstar.co.uk/west-coast-port-congestion-fmcs-bnsf/>

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New bid for reconciliation on contracts as US west coast port congestion worsens

By Gavin van Marle, January 6, 2015, The Load Star

Employers and dockworkers on the US west coast are set to return to the negotiating table, after beginning 2015 with a renewal of hostilities.

The US Federal Mediation and Conciliation Service (FMCS) confirmed early today that it was set to respond to a joint request from both employer body Pacific Maritime Association (PMA) and the workers’ **International Longshoremen and Warehouse Union (ILWU)** for help in negotiations over the renewal of a master contract that expired at the end of last May.

FMCS acting director Allison Beck said: “In response to a joint request for assistance from the parties, collective bargaining between **ILWU** and PMA representatives will continue as soon as possible under the auspices of the Federal Mediation and Conciliation Service (FMCS). We are prepared and ready to render prompt assistance.

“Deputy director Scot Beckenbaugh, a senior FMCS mediator with extensive collective bargaining experience in this industry, has been assigned to help the parties bring these important negotiations to a mutually acceptable resolution,” she added.

The joint request could mark an important shift in the way the negotiations have hitherto been handled, during which time congestion at the west coast container terminals has built up to almost unprecedented levels – one local forwarder recently told *The Loadstar* it was the worst he had seen in 20 years.

And despite declining volumes moving through west coast ports in the pre-Christmas slack period, the congestion levels have continued to build. At the weekend, intermodal operator BNSF, which operates in all major US west coast ports, placed an embargo on all westbound boxes moving from the US hinterland to the coast until congestion levels drop.

A spokeswoman for the rail company confirmed the plan to *The Loadstar*, claiming that PMA members were planning to restrict the number of gangs working ships.

“The most recent development involves the marine terminals in California. The marine terminal operators at the ports of Oakland, Los Angeles and Long Beach have advised BNSF of their intentions to limit marine terminal labour calls to support their marine terminal operations. A similar action has been done at Pacific Northwest marine terminals.

“In anticipation of further slowdowns and marine terminal congestion, BNSF is issuing an embargo, effective Monday, January 5, 2015, for westbound traffic received at interchange points destined for all marine terminals served on the west coast,” she said.

Late last month the PMA twice asked for FMCS assistance, which was twice rejected by the **ILWU**, which claimed that PMA had ceased to accurately represent its members – shipping lines that operate west coast terminals and independent terminal operators – and that PMA members themselves should come to the negotiating table.

Unsurprisingly, this merited little response from the PMA, which claimed that the ILWU, and in particular the Los Angeles-based Local 13, had been withholding up to two-thirds of trained yard crane drivers from operating, thus further aggravating efforts to clear the congestion.

The congestion remains worst at the southern California port complex of Los Angeles-Long Beach. The northern California port of Oakland said that significant numbers of ships had been diverted to it from

LA-Long Beach and it had instituted weekend operations to clear its own growing congestion, with around 1,000 boxes moved last weekend.

Oakland Port maritime director John Driscoll said: “The weekend moves are only a fraction of what we send out of the gates Monday-through-Friday, so they’re not the complete answer to our big build-up. But every little bit helps while we’re working to keep cargo flowing.”

However, the BNSF embargo shows that exporters are now being affected as much as importers, with a whole range of products that the US exports back to Asia – principally foodstuffs, and infamously resulting in McDonald’s Japanese branches having to ration french fries– becoming ensnarled in the blockage.
