

**EGT-ILWU LABOR DISPUTE  
PORT OF LONGVIEW, WA  
2011-2012**

**Frank Randolph  
General Counsel, Port of Longview**

# Setting: Longview, Washington

## Washington



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## Cowlitz County:

Population: 102,000

Longview/Kelso: 50,000

Logging/Paper mills

Median family income \$46,500

# Characters: Port of Longview



# Characters: Port of Longview

Operating since 1921

66 miles to Pacific

Bulk cargoes: grains, coke, logs, pot ash, iron oxide, wind energy

2008-2012: Record years

2012: Over \$30 million revenues

Good labor relations

# Characters: ILWU



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42,000, AFL-CIO Group, 60 local unions, West Coast,

HQ: San Francisco, “The International”

Bloody Thursday: July 5, 1934, Holiday

Locals in Portland, Vancouver and Longview

Local 21, over 200 members,

# Characters: EGT



Characters: EGT, LLC (De)

Members:

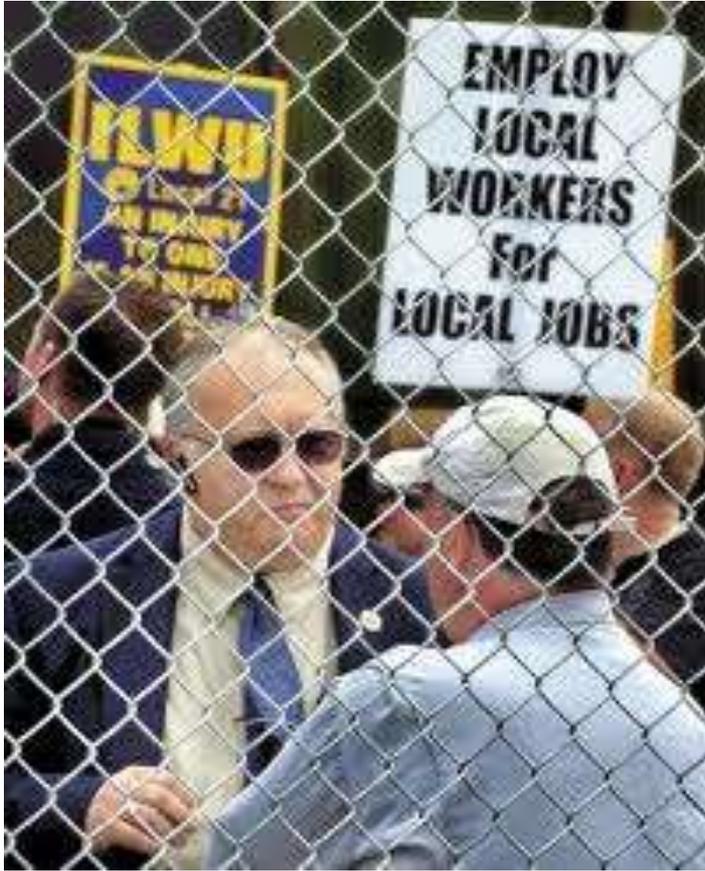
Bunge North America, Inc (Mgr)

Itochu International, Inc.

STX Pan Ocean (America), Inc.

EGT Investment Corp (Portland)

# Characters: Local Law Enforcement



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Cowlitz County Sheriffs Department:

Sheriff Mark Nelson, 43 deputies

Longview Police Department

Chief Jim Duscha, 38 officers

Others

# FIVE OVERLAYS

NEGOTIATIONS

CONSTRUCTION

CONFRONTATION

LITIGATION

COMMUNICATIONS

# Negotiations: EGT-POL

Lease negotiations began in 2006

Lengthy, complex

Gathered speed towards the end

Concluded June 2009

# Negotiations: EGT-POL

## Lease, 6.3, Warranty of Labor

“Lessor warrants that there are no agreements or restrictions affecting the Port...requiring union labor...except only as expressly set forth on Exhibit G-2....”

# Negotiations: EGT-POL

Lease, Exhibit G-2

“Lessor...refers Lessee to the provisions of the Working Agreement between the ILWU Local 21 and the Port....”

# Negotiations: EGT-ILWU

POL never directly involved

Nov '10: Local President informs

Commission ILWU will be  
excluded

Dec '10: Port protests to EGT

Jan '11: EGT files declaratory action  
against POL in WDWA.

# Negotiations: EGT-ILWU

Jan-Feb '11: Negotiations resume

Which model:

Peavey (Port of Kalama)

NW Grain Handlers Agreement

(Seattle, Tacoma, Kalama\*,

Vancouver, Portland (3))

POL-ILWU Working Agreement

Manning, wages, control

# Negotiations: EGT-ILWU

Mar '11 EGT refuses to talk

July '11: POL unsuccessful in resuming  
talks

Nov '11: Talks resume, Gov Gregoire

Jan '12: Agreement reached

# Construction

Jun 09 to Jul 11

\$210 million, state of the art

110 cars < 4 hrs

freighter < 1 day

Plan: 4 trains Jul-Aug '11, test

Load first ship Sep '11

“project labor agreement”

# Construction

Sep-Oct: 4 trains arrive, testing

Jan '12: Agreement

Feb '12: 1<sup>st</sup> ship loads

# Confrontation

April '11, work stoppages along  
Columbia River, not limited to POL

May '11, ILWU Conclave in SF  
\$1 million reserve for bail

“every longshoreman on West Coast  
will be arrested at least once.”

# Confrontation

Jun '11 Estimated 1,000 longshoremen  
EGT corporate offices, Portland  
Work stoppages



# Confrontation

Jun 14, '11 Tug moors at berth,  
Longshoremen crowd berth  
Sheriff called

Jul 11, '11 100 longshoremen tear  
down fence, trespass, cooperate with  
arrests



# Confrontation

Jul 14, '11 100's block train

Law enforcement no action

Train departs

Jul 17, '11 EGT contract: Operating

Engineers, Local 701

# Confrontation

Jul 18-22, '11, tension escalate  
ILWU “gauntlet”  
Terminal closed for week-end



# Confrontation

Jul 25, '11 ILWU boycotts security  
meeting with  
POL limits “gauntlet” to 15  
Incidents in town  
Aug '11 stand off

# Confrontation

Sep 7, '11 100's stop train, Vancouver,  
& Longview

Resisting arrests, scuffles

Suddenly leave



# Confrontation

Sep 8, '11 Early morning “raid”

Convoy of cars

Break down gates

Detain watch

Dump grain, depart

No law enforcement

# Confrontation

Sep 16, 200 gather at Sheriff's office

Sep 21, Train, strong LE presence

Small group sprayed and arrested

Sep 27, main line closed (sabotage?)



# Confrontation

Sep 29, '11, 2<sup>nd</sup> train

100's, pro union rally

Oct '11, more trains

Dec 12, '11 Occupy Movement, POL  
closes



# Litigation

Jan 12, '11 EGT declaratory action

lease no require ILWU employment

Mar 25, ILWU seeks intervene

May 17, Judge denies, no explanation

May 31, ILWU moves to reconsider

# Litigation

July 5, POL MSJ: WA jurisdiction in terminal

Jul 18, Judge allows ILWU intervene

Aug 31, NLRB/EGT file injunction, aggressive picketing

Sep 1, TRO

# Litigation

Sep 8, Preliminary injunction

PMA also seeks injunction

Sep 13, Co prosecutions commence

Sep 16, ILWU found in contempt of TRO

Judge asks for proof of costs

# Litigation

Sep 22, ILWU files civil rights action

Sep 26, ILWU recall, Sheriff Nelson

Sep 30, ILWU fined \$250,000

Oct 7, POL MSJ granted—POL-ILWU

WA defines jurisdiction

# Litigation

Jan 12, '12, ILWU-EGT agreement,  
POL joins

Dec '12, last criminal action tried

Feb '13, civil rights action terminated

# Communication

Jun-Aug '11

ILWU: pickets, letters to editor,  
support signs, news paper

EGT: radio advertising, sponsorship  
newspaper

Public: strong ties with longshoremen,  
want jobs/development, want  
agreement

# Communication

Sep 7-8, polarizing event

national media, heels of Wisconsin

Sep 14 NWGH agreement

Sep 27, Port Commission meeting

security for meetings

County Commissioners write judge

# Communication

Sep 28, prayer gathering

Sep 29, 100's gather for union

local businesses close

Oct-Jan, uneasy lull, ship?

Dec, Occupy movement

Jan, Agreement, CBA

QUESTIONS?