



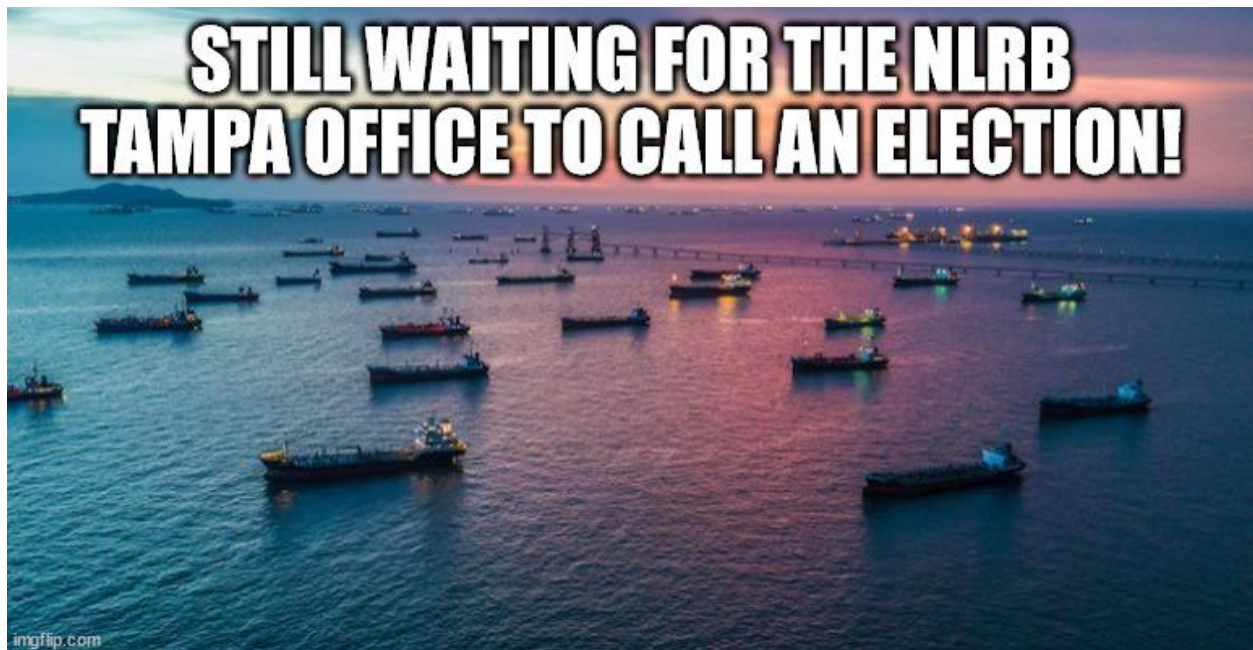
MM&P Notice to Members

Email: mmpinfo@bridgedeck.org

410-582-7046

OSG FLEET & ATC FLEET NEWSLETTER 45TH EDITION

MARCH 8, 2024



THE IMPORTANCE OF A GOOD LEGAL TEAM

OVER THE PAST YEAR, ONE TRUTH HAS EMERGED: NAVIGATING THE COMPLEXITIES OF LABOR LAW IS AKIN TO CHARTING A COURSE THROUGH TREACHEROUS SHOALS. IT'S A SLOW AND ARDUOUS JOURNEY, FRAUGHT WITH OBSTACLES THAT SEEM TO MATERIALIZE JUST WHEN WE THINK WE'VE CLEARED THE LAST BUOY IN THE CHANNEL. IN THE VAST EXPANSE OF THIS LEGAL SEA, CHALLENGES LIKE THE RECENT "REQUEST FOR REVIEW" IN THE ATC FLEET CASE LOOM OMINOUSLY ON THE RADAR, CALLING OUR BRIDGE TEAM - OR IN OUR CASE, OUR FIRST-CLASS LEGAL TEAM - INTO IMMEDIATE ACTION.

IN THIS MODERN ERA, A ROBUST LEGAL DEPARTMENT IS AN INDISPENSABLE COMPONENT. THE RECIPE FOR SUCCESS IS SURPRISINGLY SIMPLE YET INCREDIBLY POTENT: A UNION COMPRISED OF DEDICATED MEMBERS WHO PROVIDE INVALUABLE FEEDBACK DIRECTLY FROM THE WORKPLACE; UNION LEADERSHIP THAT INTIMATELY UNDERSTANDS THE CHALLENGES FACED BY ITS MEMBERS BECAUSE THEY TOO HAVE SAILED AND KNOW THE CHALLENGES YOU FACE; AND, CRUCIALLY, A FIRST-CLASS LEGAL TEAM SERVING AS THE PILOTS, GUIDING US



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THROUGH THE INTRICATE MAZE OF LABOR LAWS, HELPING US SECURE BETTER CONTRACTS, AND DEFTLY STEERING US CLEAR OF LEGAL TRAPS THAT THREATEN OUR COLLECTIVE RIGHTS AND WELL-BEING.

AS WILL BE PUBLISHED IN THE UPCOMING ISSUE OF THE MASTER, MATE & PILOT NEWS MAGAZINE, IT IS IMMENSELY SATISFYING TO CELEBRATE RECENT VICTORIES ACHIEVED BY YOU, OUR REPRESENTATIVES AND MM&P'S OUTSTANDING LEGAL TEAM. NONE ARE MORE IMPORTANT THAT WHAT REMAINS PENDING WITH THE ATC FLEET AND OSG FLEET ORGANIZING CAMPAIGNS. THE FOLLOWING LEGAL ACHIEVEMENTS ARE REASONS TO CHEER:

- THE NLRB'S ENFORCEMENT OF THE DUTY OF EMPLOYERS WHO RECOGNIZE MIXED BARGAINING UNITS COMPRISED OF BOTH STATUTORY EMPLOYEES AND STATUTORY SUPERVISORS TO BARGAIN IN GOOD FAITH [SUNRISE OPERATIONS, LLC, A WHOLLY OWNED SUBSIDIARY OF THE PASHA GROUP, 373 NLRB No. 30 (2024)];
- THE NLRB RULING THAT TOWBOAT CAPTAINS ARE APPROPRIATE FOR INCLUSION AS PART OF AN EXISTING BARGAINING UNIT AND ORDERING A REPRESENTATIONAL ELECTION [LEO MARINE SERVICE, INC. (19 RC 330385, 2/14/24)], AND OF COURSE:
- THE NLRB DIRECTION OF A REPRESENTATIONAL ELECTION AND THEIR SUBSEQUENTLY CERTIFICATION OF MM&P AS THE BARGAINING REPRESENTATIVE FOR THE ALASKA TANKER COMPANY BARGAINING UNIT INCLUDING CHIEF MATES [ALASKA TANKER COMPANY, LLC, A SUBSIDIARY OF OSG SHIP MANAGEMENT, INC. (19-CR-320760, 8/31/23)]; AND

FOR MANY YEARS, MM&P HAS BEEN LEADING MARITIME LABOR IN CHALLENGING THE LEGAL DISABILITIES IMPOSED ON SHIP'S OFFICERS BY THE IMPLEMENTATION OF THE SUPERVISORY PROVISIONS OF THE TAFT-HARTLEY ACT OF 1947. A READING OF THE MOST SIGNIFICANT CASES IMPACTING LICENSED OFFICERS OVER THE LAST TWENTY YEARS REFLECTS THE ABILITY OF MM&P MEMBERS AND OUR UNION-WIDE COMMITMENT TO OUTLAST THE CYNICAL TACTICS OF DELAY AND UNION BUSTING PREFERRED BY THE GREAT MAJORITY OF U.S. EMPLOYERS.



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A NEW COLUMN IN OUR NEWSLETTER

BELOW IS OUR NEW COLUMN "MAKING WAY WITH MM&P". WE WILL SHARE SOCIAL MEDIA PICTURES THAT OUR MEMBERS SHARE WITH US AS WELL AS ARTICLES RELATED TO THE INDUSTRY AND MM&P. IF YOU WOULD LIKE TO SHARE A PICTURE FOR THE NEW COLUMN, PLEASE EMAIL DMCCORMICK@BRIDGEDECK.ORG.

CHECK OUT OUR FACEBOOK SITE HERE: [HTTPS://WWW.FACEBOOK.COM/IOMMP](https://www.facebook.com/IOMMP)

THANKS IN ADVANCE FOR SHARING!



MM&P LICENSED DECK AND ENGINEERING OFFICERS WERE ON HAND WHEN THE SLNC STAR WAS FLAGGED INTO THE U.S. FLEET IN SINGAPORE IN SEPTEMBER.



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NLRB ADOPTS AND EXPANDS ON CRITICAL FEDERAL APPEALS COURT DECISION IN CASE BROUGHT BY MM&P

IN A MAJOR VICTORY FOR MM&P AND ANY OTHER UNION WITH BARGAINING UNITS THAT MAY CONTAIN SUPERVISORS, THE NATIONAL LABOR RELATIONS BOARD HAS ADOPTED AND EXPANDED ON A MARCH 3, 2023, DECISION BY THE U.S. COURT OF APPEALS FOR THE D.C. CIRCUIT.

THE CASE—INTERNATIONAL ORGANIZATION OF MASTERS, MATES & PILOTS, AFL-CIO V. NLRB—AROSE OUT OF THE UNFAIR LABOR PRACTICE CHARGES FILED BY MM&P AGAINST SUNRISE OPERATIONS/PASHA DURING THE PROTRACTED NEGOTIATIONS AND LITIGATION THAT PRECEDED THE AGREEMENT BETWEEN THE UNION AND THE COMPANY.

THE FIRST HEARING ON THE UNFAIR LABOR PRACTICE CHARGES WAS HELD BEFORE AN ADMINISTRATIVE LAW JUDGE.

THE ADMINISTRATIVE LAW JUDGE FOUND IN FAVOR OF MM&P, RULING THAT THE COMPANY HAD COMMITTED THE UNFAIR LABOR PRACTICES ALLEGED AND THAT THE BARGAINING UNIT REPRESENTED BY MM&P WAS A "MIXED" UNIT OF EMPLOYEES AND SUPERVISORS.

THE NATIONAL LABOR RELATIONS BOARD THEN HELD THAT IT LACKED JURISDICTION OVER THE UNIT BECAUSE WHEN THE COMPANY AGREED TO RECOGNIZE THE UNION, IT ALLEGEDLY "BELIEVED" THAT ALL LICENSED DECK OFFICERS WERE "SUPERVISORS."

MM&P APPEALED THE NLRB'S DECISION TO THE U.S. COURT OF APPEALS FOR THE D.C. CIRCUIT.

IN A STRONGLY WORDED OPINION ISSUED ON MARCH 3, 2023, A THREE-MEMBER PANEL OF THE COURT VACATED THE NLRB'S DECISION, HOLDING THAT IT WAS CONTRARY TO WELL-ESTABLISHED PRECEDENT AND UNSUPPORTED BY THE FACTS OF THE CASE.

THE COURT REMANDED THE CASE TO THE NLRB, INSTRUCTING IT TO RE-DECIDE THE CASE APPLYING THE FACTS AND THE LAW.



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IN A DECISION ON REMAND ISSUED ON FEB. 27, 2024, THE NLRB FOUND THAT THE BOARD DOES HAVE JURISDICTION OVER THE CASE AND THAT SUNRISE OPERATIONS LLC VOLUNTARILY RECOGNIZED A "MIXED" UNIT OF SUPERVISORS AND MM&P-REPRESENTED EMPLOYEES.

"THE UNION IS PLEASED WITH THE COURT OF APPEALS' PRIOR DECISION GRANTING REVIEW AND THE NLRB'S DECISION AFFIRMING DECADES OF PRECEDENT THAT PREVENT EMPLOYERS FROM WITHDRAWING RECOGNITION IN A MIXED UNIT ON A WHIM," SAID MM&P PRESIDENT DON MARCUS.

"THE NLRB'S DECISION CLEARLY RECOGNIZES THAT EMPLOYERS MUST PRODUCE CONCRETE EVIDENCE OF SUPERVISORY STATUS BEFORE WORKERS LOSE THE NLRA'S PROTECTIONS."

"MM&P WILL CONTINUE TO FIGHT TO ENSURE LICENSED DECK OFFICERS IN THE MARITIME INDUSTRY ARE NOT DEPRIVED OF THEIR RIGHTS TO FREELY ASSOCIATE AND TO BARGAIN COLLECTIVELY."

HE SAID THE CASE REPRESENTS "A CRITICAL VICTORY IN A LONG AND HARD-FOUGHT BATTLE TO PRESERVE MM&P MEMBERS' JOBS," ADDING THAT THE OUTCOME "IS A TESTAMENT TO THE GREAT SKILL OF OUR LEGAL TEAM, LED BY GABRIEL TERRASA, AND THE STEADFAST SUPPORT OF OUR RANK-AND-FILE MEMBERS."

THE CASE CAPS A 20+ YEAR EFFORT BY MM&P AND ITS LEGAL DEPARTMENT TO FIGHT EMPLOYERS WHO TRY TO STRIP AWAY THE BARGAINING RIGHTS OF LICENSED DECK OFFICERS BY CLAIMING THEY ARE ALL SUPERVISORS AND THEREFORE NOT PROTECTED BY THE NLRA.

LISA C. DEMIDOVICH ARGUED THE FEDERAL COURT CASE ON BEHALF OF MM&P. SHE WAS JOINED ON THE BRIEF BY JASON WOJCIECHOWSKI AND LUKE TAYLOR OF BUSH GOTTLIEB.

CATHERINE FISK, A LABOR LAW PROFESSOR AT THE UNIVERSITY OF CALIFORNIA, BERKELEY, SCHOOL OF LAW, FILED AN AMICUS BRIEF WITH OTHER LAW PROFESSORS ACROSS THE COUNTRY IN SUPPORT OF MM&P'S POSITION.

HAD THE NLRB'S DECISION STOOD, EMPLOYERS WITH MIXED UNITS WOULD HAVE BEEN ABLE TO RENEGE ON THEIR BARGAINING OBLIGATIONS AND THE UNIONS REPRESENTING EMPLOYEES WOULD NOT HAVE HAD LEGAL RECOURSE.



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THE LICENSED DECK OFFICERS' UNION

MM&P IS HERE TO LISTEN

IF YOU HAVE ANY QUESTIONS, YOU CAN REACH CAPTAIN SHAWN TUCY OR CAPTAIN TOM LARKIN AT [MMPINFO@BRIDGEDECK.ORG](mailto:mmpinfo@bridgedeck.org) OR CALL 410-582-7046

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