

**AGREEMENT BETWEEN THE  
SOUTH ATLANTIC EMPLOYERS NEGOTIATING COMMITTEE  
AND THE  
SOUTH ATLANTIC & GULF COAST DISTRICT  
OF THE  
INTERNATIONAL LONGSHOREMEN'S ASSOCIATION**

**Appeals Procedures under the  
Policy Against Harassment, Discrimination and Retaliation**

November 19, 2007

In an effort to clarify the appeals procedure provided for in the Policy Against Harassment, Discrimination and Retaliation (the "Policy"), the South Atlantic Employers Negotiating Committee ("SAENC") and the South Atlantic & Gulf Coast District of the International Longshoremen's Association (the "ILA") hereby set forth jointly the following procedures (the "Appeal Procedures") relating to any appeal from a final resolution by the ILA Local and the Port Association (as those terms are defined in the Policy) (collectively, the "Investigators") relating to a complaint brought under the Policy. For purposes of this document, the term "Complainant" is defined as the individual who filed a complaint pursuant to the Policy, and the term "Accused" is defined as the individual against whom a complaint has been lodged pursuant to the Policy. As used herein, the terms "parties" shall refer collectively to the Complainant and Accused.

- 1) In the event the Investigators are unable to reach a resolution of a complaint made pursuant the Policy, then the matter shall be heard by the District Appeals Committee.
- 2) Either the Complainant or the Accused may appeal a final resolution by the Investigators.
- 3) An appeal must be submitted in writing to the ILA Local and the Port Association. It must be received by the Local and the Association within 15 (fifteen) days of the date of issuance of a final resolution by the Investigators. The grounds on which an appeal is being made must be set forth, in writing, in the appeal.
- 4) As soon as practicable after the receipt of written notice of appeal, the appeal shall be heard by the District Appeals Committee which shall consist of two management and Union representatives from ports other than the port where the complaint originated

The hearing date and time shall be fixed. Parties involved in the hearing may request to reschedule the time and date of the hearing once. Seven (7) days notice prior to the original hearing date must be given of such request and must be sent directly to the DAC. Failure to appear at a scheduled hearing may result in a dismissal of the appeal and/or discipline.

- 5) The District Appeals Committee shall hold a hearing at a time and place agreed upon by the District Appeals Committee. The issues on appeal shall be limited to the allegations presented to the Investigators relating to the initial complaint.

- 6) The parties may present evidence to the District Appeals Committee which will be qualified to make new findings of fact. However, the evidence presented to the District Appeals Committee shall be limited to: the documents or other tangible evidence presented to or gathered by the Investigators; and the witnesses presented to or interviewed by the Investigators, unless such evidence or witnesses was not known or available at the time of the original hearing. In the event that a party wishes to present such new evidence or witness, a written description and justification for such presentation must be submitted to the DAC not less than 10 days prior to the hearing.
- 7) A majority decision by the District Appeals Committee shall be final and binding on the parties.
- 8) In the event that the District Appeals Committee reaches a deadlock and is unable to reach a final decision, the District Appeals Committee shall refer the dispute to a professional arbitrator whose expenses and fees shall be borne jointly by the Management and the Union of the port concerned. Should the District Appeals Committee be unable to select an arbitrator, they shall request the assistance of the Federal Mediation and Conciliation Service in designating a suitable arbitrator.

Dated the 19<sup>th</sup> day of November 2007.

For the SAENC:

  
Stephen W. Zadach, Co-Chairman

For the ILA:

  
Wilbert Rowell, Co-Chairman