

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20**

THE PASHA GROUP;
PASHA HAWAII HOLDINGS LLC;
SR HOLDINGS LLC; and
SUNRISE OPERATIONS LLC,
a single employer

Respondent

and

Case 20-CA-202809

INTERNATIONAL ORGANIZATION
OF MASTERS, MATES & PILOTS
ILA/AFL-CIO

Charging Party

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by the International Organization of Masters, Mates & Pilots, ILA/AFL-CIO (Charging Party). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that The Pasha Group, Pasha Hawaii Holdings LLC, SR Holdings LLC, and Sunrise Operations LLC, a single employer (collectively Respondent) has violated the Act as described below.

1. The charge in this proceeding was filed by the Charging Party on July 19, 2017, and a copy was served on Respondent by regular mail on July 21, 2017.

2. (a) At all material times, the Pasha Group, a corporation with an office and place of business in San Rafael, California, has been engaged in the interstate and intrastate transportation of freight by sea.

(b) At all material times, Pasha Hawaii Holdings, LLC, a corporation with an office and place of business in San Rafael, California, has been engaged in the interstate and intrastate transportation of freight by sea.

(c) At all material times, SR Holdings, LLC, a corporation with an office and place of business in San Rafael, California, has been engaged in the interstate and intrastate transportation of freight by sea.

(d) At all material times, Sunrise Operations LLC, a corporation with an office and place of business in San Rafael, California, has been engaged in the interstate and intrastate transportation of freight by sea.

(e) During the calendar year ending December 31, 2016, in conducting its business operations described above in subparagraph 2(d), Sunrise Operations LLC derived gross revenues in excess of \$50,000 from the transportation of freight between the States of Hawaii and California.

(f) At all material times, The Pasha Group, Pasha Hawaii Holdings LLC, SR Holdings LLC, and Sunrise Operations LLC (collectively Respondent), have been affiliated business enterprises with common officers, ownership, directors, management, and supervision; have formulated and administered a common labor policy; have shared common premises and facilities; have provided services for and made sales to each other; have interchanged personnel with each other; have interrelated operations with common vessels and contracts; and have held themselves out to the public as a single-integrated business enterprise.

(g) Based on its operations described above in paragraph 2, The Pasha Group, Pasha Hawaii Holdings LLC, SR Holdings LLC, and Sunrise Operations LLC (collectively Respondent) constitute a single-integrated business enterprise and a single employer within the meaning of the Act.

3. (a) About May 29, 2015, Respondent purchased the business of Horizon Lines LLC (Horizon Lines), and since then has continued to operate the business of Horizon Lines in basically unchanged form, and has employed as a majority of its employees individuals who were previously employees of Horizon Lines.

(b) Based on its operations described above in paragraph 3(a), Respondent has continued the employing entity and is a successor to Horizon Lines.

4. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6); and (7) of the Act.

5. At all material times, the Charging Party has been a labor organization within the meaning of Section 2(5) of the Act.

6. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Edward Washburn - Pasha Hawaii Senior VP Fleet Operations

7. (a) The following employees of Respondent, herein called the Unit, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Licensed Deck Officers (except where specifically otherwise provided, the term “Licensed Deck Officers” whenever and wherever used in this Agreement, includes the Master) on U.S. – Flag oceangoing vessels.

(b) At all material times since at least June 16, 1981, until about May 29, 2015, the Charging Party had been the exclusive collective-bargaining representative of the Unit employed by Horizon Lines, and during that time was recognized as such representative by Horizon Lines. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective from October 15, 2012, through June 15, 2027.

(c) About May 29, 2015, Respondent recognized the Union as the collective bargaining representative of the Unit and expressly assumed all obligations of the collective-bargaining agreements between Horizon Lines and the Charging Party referenced above in subparagraph 7(b).

(d) Since about May 29, 2015, based on the facts described above in paragraph 3 and subparagraphs 7(a) through 7(c), the Charging Party has been the designated exclusive collective-bargaining representative of the Unit.

(e) From at least June 16, 1981, to about May 29, 2015, based on Section 9(a) of the Act, the Charging Party had been the exclusive collective-bargaining representative of the Unit employed by Horizon Lines.

(f) At all times since about May 29, 2015, based on Section 9(a) of the Act, the Charging Party has been the exclusive collective-bargaining representative of Respondent’s employees in the Unit.

8. (a) Since about July 11, 2017, the Union has requested, both orally and in writing, that Respondent furnish the Union with the following information:

All vessel blueprints and other information required under Article V, Section 4(j) of the collective-bargaining agreement between the Charging Party and Horizon Lines dated June 16, 1981 through June 15, 1984, pertaining to Respondent's announcement that it intends to build new dry cargo vessels to operate in the Hawaii trade.

(b) The information requested by the Union, as described above in subparagraph 8(a), is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

(c) Since about July 11, 2017, Respondent, by Edward Washburn, both orally and in writing, has failed and refused to furnish the Union with the information requested by it as described above in subparagraph 8(a).

9. By the conduct described above in paragraph 8, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

10. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before November 14, 2017, or postmarked on or before November 13, 2017.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer

rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT at 9:00 a.m. on January 30, 2018, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board in the Natalie P. Allen Memorial Courtroom (Suite 400), 901 Market Street, San Francisco, California. At the hearing, Respondent and any other party to

this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: October 31, 2017



JILL H. COFFMAN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 20
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Attachments