

STANDING COMMITTEE MEETING MINUTES

June 16, 1993

Agenda

1. FASB 106 & 109
2. Job Analysis
3. 401K
4. TQ Survey
5. Vacation Leveling
6. Shift Millwright Selection Procedure
7. Labor Pool
8. Storeroom
9. Pay for Quick Stock
10. Core Cutters
11. George Brajcich Comments
12. Annual Hearing Testing/Off the Job Noise Exposure
13. Letter to Labor Pool Employees
14. Compensation for Union Officials
15. Clarification of April 30, 1993 Standing Comm. Min.
16. Grievances 93-20 & 21; Union Representation & Safety
17. " " 93-22; Pulp Dryer Safety
18. " " 93-23; Vacation Leveling/#'s Allowed Off
19. " " 93-24; Same Day Seniority Ground Rules
20. " " 93-25; Vacations Granted by Prog. Ladder
21. " " 93-26; Day Mech. filling Shift Mech. Vacancy
22. " " 93-27; Scheduling/Utility Person/Penalties
23. Vacations; Time Off

Standing Committee Minutes; June 16, 1993

1. FASB 106 & 109: Tracy Trahan explained the basis for these accounting standards and how they affect the company's profit statements. FASB 106 requires employers to fund future liability for retiree medical expenses while the employee is still working. The moneys are unfunded and are a liability against the company. The standard provides protection for the employees with retiree medical benefits.

FASB 109 requires James River to combine the value of the James River assets and Crown Zellerbach assets and declare them without tax credits. The value of the Wauna Mill increased to 65 million dollars that will be paid over a 20 year period. The value is depreciated annually by 5 million dollars. This accounting requirement will continue until we have paid off the increased asset value. The impact of this accounting standard on our Return on Assets is 1.3%, or \$16.00 a ton and affects profit sharing.

2. JOB ANALYSIS: The production data will be available June 18, 1993, and a Plant Committee Meeting will be scheduled as soon as possible.

3. 401(k) PLAN: The Union has continuing concerns regarding the management of the 401K Plan by First Interstate. The Union officers are looking at other institutions which manage these kinds of funds to determine if the Union's 401K should be managed by a different firm. They will contact those firms in which they have an interest and ask them to make a presentation to the Union on how they would propose to manage the 401K and the benefits the Union could expect from their doing so.

4. T.Q. SURVEY: Asbourne Osland, a student working toward his doctorate from Case Western University, has asked Bob Morgan for permission to survey two groups at the Wauna Mill to determine employee perceptions of the total quality effort at Wauna. One group will be representative of employees from areas where there has been a major effort to get to Total Quality; the other group will be representative of employees from areas where there has been little formalized effort in that direction. Both salaried and wage employees will be included in the survey.

Participation in the survey will be random drawing and voluntary. The responses will be confidential; there will be no names on the survey. The company will see only the summary of the data. Scott Solberg is the survey administrator. He has stated that the survey should be completed by the end of summer.

5. VACATION LEVELING: Joe Hertig informed the Union Standing Committee that departments had reported that vacation weeks had been scheduled through September in all departments, and through February in some. There is no apparent need at this time for instituting a lottery system to force scheduling remaining vacation weeks.

6. SHIFT MILLWRIGHT SELECTION PROCEDURE: John Melink had shared the proposed selection process with the Standing Committee at the May Standing Committee meeting. The Mechanics Committee had agreed upon that plan.

Bob Sullivan expressed concern that the procedure for selecting relief shift millwrights and relief shift electricians is different. John Melink stated that the group working on the selection procedure had agreed that the difference in selecting the reliefs was not a problem.

The Union Standing Committee position is that the selection of shift millwrights and electricians is to be the senior volunteer, millwide, and the relief shift millwrights and relief shift electrician selected will be the senior volunteer millwide and the position will not be rotated. The Company Standing Committee disagreed based on their understanding that the electricians wanted to rotate.

The Union Standing Committee will poll the electricians as a department to determine their preference for either rotating the relief shift electrician position or giving it to the senior electrician who volunteers. The polling will be done by Roland Lee as soon as possible.

7. LABOR POOL:

Status Report: The Union Standing Committee had requested updates on the status of the Labor Pool on a weekly basis and they have not been provided that data. The Union Standing Committee was assured that they will receive a weekly status report on employee assignments, exercising of grandfather rights, and those employees assigned to the active labor pool and those remaining in the inactive labor pool.

Termination of a Labor Pool Employee: The Union Standing Committee advised the Company that a Labor Pool employee had been improperly terminated for unavailability for work. The Company will review the termination to ensure that it was processed appropriately, per the Labor Agreement.

Training: The Union Standing Committee communicated their concern that training opportunities for Labor Pool employees are being assigned to junior Labor Pool employees. They asked that seniority be considered when employees are assigned to train.

8. STOREROOM: The Union Standing Committee requested information regarding the Storeroom's intention regarding filling the vacation relief position. The Company Standing Committee confirmed that it is Walt Lundgren's intention to fill that relief position from the bid list. He has begun the process of contacting those on the list in order of seniority. Two Labor Pool persons are currently assigned. One person is there to fill a vacancy; the second is in the Storeroom to train. The need for those two people should go away when there is no longer a vacancy and when the senior bidder accepting the position is trained.

9. PAY FOR QUICK STOCK: The Standing Committee acknowledged the confusion which had been caused by calling Labor Pool employees in to do Quick Stock and being coded as having performed an Operator's job.

The occupation codes have now been changed and when employees are called in to do bagging or quick stocking, they will be coded appropriately.

10. CORE CUTTER JOB: An employee exercised his rights to bid for a vacation relief job in Core Cutting. A question has arisen regarding whether he should have been placed on the 1992 or the 1993 Bid List. Currently, a mill junior person from the 1992 bid list is ahead of him in progression ladder seniority.

The Company has agreed that the employee who exercised his rights to the bid list, based on medical restrictions, may be rightfully placed on the 1992 list and move ahead of the mill junior employee on the progression ladder. The affected employee will be personally informed of the decision.

11. GEORGE BRAJCICH COMMENTS: He communicated his concerns as President of Local 1097 regarding what he believes are varying levels of awareness of the different policies that are in place in the Converting Plant, and inconsistent enforcement of those policies. The two policies he specified are the Hair Containment Policy and the Reading Policy.

The Company Standing Committee confirmed that the policies have been posted in the Converting Department and known and administered uniformly. However, Joe Hertig committed to following up with Converting management to assure that supervisors are continuing to communicate and enforce these policies consistently from crew to crew.

12. ANNUAL HEARING TESTS: The Union Standing Committee stated that they have a concern with employees, in the annual Hearing Conservation Program, providing information regarding exposure to noise off the job. They are aware that the

Worker's Compensation rules regarding compensable hearing loss claims has changed and now the claimant must be able to substantiate that work was the major contributor to the hearing loss. This change has resulted in the denial by James River of recent hearing loss claims at Wauna.

The Company Standing Committee confirmed the effects of the change in the law. The Company feels that the loss of the personal history of noise exposure would seriously erode the quality of the Hearing Conservation Program. The Company will seek a resolution to this concern which meets the need to have a complete noise exposure history and addresses the concerns of employees that the information would be used to deny a hearing loss claim later.

13. LETTER TO LABOR POOL EMPLOYEES: On June 14, 1993, a letter was mailed to all Active Labor Pool employees reminding them of the procedures which are being followed in the management of the Active Labor Pool. The Union Standing Committee received complaints from some of those employees that the letter was threatening.

The Company Standing Committee stated that the letter was intended to advise active Labor Pool employees that the call-in system was activated and that now they would be expected to be available to be called during the specified hours. When the Active Labor Pool employees came to one of the three meetings scheduled in late April and early May, the call-in system was in its developmental stages and they were told they would be informed when the system was in place. The "system" referred to is the capability of the Clockroom Attendant to identify the senior qualified employee available to be assigned a Labor Pool job and the hours during which Labor Pool employees would be notified for available work on a day by day basis.

14. COMPENSATION FOR UNION OFFICIALS: The Company Standing Committee asked for clarification from the Union Standing Committee regarding notification to supervision of Union Business and the responsibility for pay for Union Business.

The Union Standing Committee confirmed that they provide notice in writing to the Company when an employee is requested off for Union Business. They also confirmed that meetings requiring Union participation include: High Road, SAC, Standing Committee meetings, Job Analysis, etc.

The joint Standing Committees agreed that the major responsibility for communicating a need to participate in Union Business is between the supervisor and the Union Official. There was agreement that departments are running with fewer employees and department supervision needs to have as much prior notice of any meeting as possible. Joe Hertig

committed that the Human Resources Department will be sensitive to the urgency of meetings and delay or postpone a meeting to a later date when that later meeting better meets department needs.

15. CLARIFICATION OF THE APRIL 30TH MINUTES: The Union Standing Committee asked that the Standing Committee Meeting Minutes for that date be clarified. This clarification acknowledges that the minutes over-simplified the process of instrument calibration on the Kawabata (letter attached).

16. GRIEVANCES 93-20 AND 21: Union representation and the rights of an employee to refuse to perform work he believes is unsafe.

There was no first step answer to the grievances. The Union Standing Committee acknowledged that and stated that both grievances refer to violations of Federal laws and their interest is in the Company complying with Federal laws.

The Company's position is that the supervisor needs to have the opportunity to answer a grievance at the first step. However, the Company will respond to the concerns of the Union, separate from the grievances. This response will present the point of view of the Company on a philosophical basis as it relates to employee rights to representation under the NLRB and the Weingarten decision, and the employee questioning a work assignment on the basis of safety concerns. (COPY OF SYNOPSIS OF WEINGARTEN DECISION IS ATTACHED)

17. GRIEVANCE 93-22: Pulp Dryer Balerman safety when the Pulp Dryer exceeds a specified production rate.

The Union Standing Committee stated that the same safety concern had been brought up at a Safety Advisory Committee Meeting in 1989. They believe that the issue was referred to as a part of a third step grievance in 1986.

The Company committed to bringing together some key players, including the Shop Steward and the Chief Shop Steward, to try to resolve the issue.

18. GRIEVANCE 93-23: The Union Standing Committee stated that vacation leveling on #3&4 PM's is a violation of past practice.

The Union Standing Committee states that Company had let 12 people off in any given week in the past and has the obligation to continue to do so.

The Company Standing Committee responded that there is no requirement to continue vacation allotment as it may have occurred in the past. The Labor Agreement specifically enables vacation leveling.

19. GRIEVANCE 93-24: The Union stated that the Company has violated Same Day Seniority Ground Rules contained in a Letter of Memorandum written in 1966.

The Company Standing Committee committed to discuss the issue at the next Standing Committee meeting when people who have some history with the 1966 Groundrule can be present. They will review the 1st Step Answer at that time.

20. GRIEVANCE 93-25: The Union stated that vacation scheduling must be by mill seniority, not progression ladder seniority.

The Union Standing Committee believes that the progression ladders on #3&4 PM's are tied together at the Utility Pool and are one progression ladder. The Company Standing Committee position is that the progression ladders on #3 and #4 Paper Machines are separate progression ladders and that the calculations to determine the number of employees who could be on vacation in any given week was positively impacted by including the Utility Pool.

The Company Standing Committee denied the grievance.

21. GRIEVANCE 93-26: The Union stated that filling of a vacancy of a Shift Millwright with a day shift mechanic.

This grievance is similar to one filed earlier that has been scheduled to be heard by a Mediator. This grievance will be resolved based on the outcome of that mediation.

However, the Union stated that in the past when vacancies occurred and there was more than one person in the same job classification, the scheduler would go across the schedule and fill the overtime with the person on their 2nd or 3rd day off. The same thing should apply to shift electrical & millwright vacancies.

22. GRIEVANCE 93-27: The Union stated that the Company scheduled a person for four days and should have paid a penalty for the fourth day.

The grievance was resolved when the Company agreed to accurately show the employee on the schedule as filling four separate vacancies, whether or not those vacancies may occur on one or more of the shifts. The Company acknowledged that the schedule which was posted appeared to be disadvantageous to the employee.

23. VACATIONS: The Union Standing Committee asked that the
The Union and Company Standing Committees agreed that a
Relief Person, not assigned to a specific crew, will/may be
assigned to multiple crews or fill multiple vacancies on a
crew during the work week without the Company incurring
penalties.

23. VACATIONS: The Union Standing Committee asked that the Standing Committee Minutes reflect that when an employee schedules a vacation and is paid for that vacation, the person must take the work time off during the period he has scheduled the vacation.

Larry Beaudreau
Union Standing Committee

J. H. Liberty
Company Standing Committee

To: Standing Committee 5/25/83

Right to Union Representation

Synopsis of 1975 Weingarten Decision

A related matter over which unions and management have disagreed concerns union representation of employees at investigatory interviews conducted by the employer. Through the years this matter has been considered by many arbitrators, the NLRB, and the courts. In 1975 the U.S. Supreme Court issued its *Weingarten* decision on the subject. In *Weingarten* the Supreme Court upheld the NLRB position (which had been rejected by the Court of Appeals), that individual employees have the right under the NLRA to refuse to submit without union representation to an investigatory interview which the employee reasonably believes may result in disciplinary action.⁹⁰ The Court explained that the NLRB also had "shaped the contours and limits of the statutory right," which "contours and limits" are outlined (and apparently endorsed by the Court) in the following excerpt from the Court's opinion:

"First, the right inheres in § 7's guarantee of the right of employees to act in concert for mutual aid and protection. * * *

"Second, the right arises only in situations where the employee requests representation. In other words, the employee may forego his guaranteed right and, if he prefers, participate in an interview unaccompanied by his union representative.

"Third, the employee's right to request representation as a condition of participation in an interview is limited to situations where the employee reasonably believes the investigation will result in disciplinary action. * * * [The Board] 'would not apply the rule to such run-of-the-mill shop-floor conversations as, for example, the giving of instructions or training or needed corrections of work techniques. In such cases there cannot normally be any reasonable basis for an employee to fear that any adverse impact may result from the interview * * *'

"Fourth, exercise of the right may not interfere with legitimate employer prerogatives. The employer has no obligation to justify his refusal to allow union representation, and despite refusal, the employer is free to carry on his inquiry without interviewing the employee, and thus leave to the employee the choice between having an interview unaccompanied by his representative, or having no interview and foregoing any benefits that might be derived from one. * * *

"Fifth, * * * The employer has no duty to bargain with the Union representative at an investigatory interview. 'The representative is present to assist the employee, and may attempt to clarify the facts or suggest other employees who may have knowledge of them. The employer, however, is free to insist that he is only interested, at that time, in hearing the employee's own account of the matter under investigation.'"⁹¹

The Court concluded that the Board had reached "a fair and reasoned balance upon a question within its special competence," and the Court added:

"The statutory right confirmed today is in full harmony with actual industrial practice. Many important collective-bargaining agreements have provisions that accord employees rights of union representation at investigatory interviews. Even where such a right is not explicitly provided in the agreement a 'well established current of arbitral authority' sustains the right of union representation at investigatory interviews which the employee reasonably believes may result in disciplinary action against him. *Chevron Chemical Co.*, 60 L.A. 1066, 1071 ([Merrill] 1973)."⁹²

To: Standing Committee

5/25/93

From: The Instrument Shop & Quality Technicians

Re: Correction/clarification to the standing Committee meeting minutes 4-30-93 item #7:
quality technicians calibrating the kawabata friction tester.

Upon reviewing the standing committee meeting minutes from 4-30-93, regarding the issue of the quality technicians calibrating the kawabata friction tester, an over simplification and error in action is stated. The instrument mechanic should be called first to open up and setup the calibration equipment .

The concern revolves around the legal requirements of electrical licensing and need to ensure safety. Since this unit must be calibrated hot, the set -up training and review of any problems must be done first by a qualified person. Once this is complete and both the instrument and quality technician have reviewed the calibration steps and covered the safety issues and both agree and feel comfortable, the quality technician can perform the calibration.

Note the calibration set-up involves adjusting a potentiometer until a known standard is reached. The calibration can take 2-8hrs to perform. It was also noted that this is a short term issue, due to the efforts under way to replace this peice of equipment. A new friction tester is being considered which does not require it to opened up while the unit is powered up.

This was agreed to and reviewed by the instrument shop and quality technicians on

Instrument Shop rep Ellsworth & Sherman date 5/26/93

Quality Technicians rep James E. Davis date 6--8-93