

# **JOINT STANDING COMMITTEE MEETING MINUTES**

**August 17, 2005**

## **Present:**

**USC** – Rick Erickson, Larry Reandeau, Ron Jones, Ram Manthe

**MSC** – Ann Fleck, Dan Brown, Larry Atwood, Shawn Wood

**JSC** – Both

## **Agenda:**

1. Grievances – 05-07, 05-09, 1<sup>st</sup> Step Grievances
2. Disability Leave for Employee
3. Drug Testing
4. Bale Pulp Receiving Discipline
5. Employee Discipline Form
6. Jury Duty
7. Crew Shortage
8. Retiree Backfill
9. Qualified Domestic Relations Order
10. Medical Release to Return to Work
11. Physical Therapists
12. Job Requirements Form
13. Napkin Operator-Adjuster Job
14. Set-Up Hours
15. Open Bids
16. Schedule

### **05-07:**

- **USC** – Grievance is going to 3<sup>rd</sup> Step.

### **05-09:**

- **USC** – Request that we hold timely until next meeting.
- **JSC** – Agreed

### **1<sup>st</sup> Step Grievances:**

#### **ERTW**

- **USC** – After surgery for a non-work related injury, employee bid on a job in HHT - Converting. Employee was off work for an extended period of time and returns to HHT and Blue Slips into job. He applied for rate retention, but was denied. The issue is this should have been brought to the JSC. Would like to clarify the process for getting employee's back to work early.
- **MSC** – When an employee calls Donna, she calls the department to see if there is light duty work for the employee. Depending on the restrictions and if work is available, the employee may come back to work. If work is not available or the individual's restriction does not fall within the requirements of work that is available, we may not be able to do ERTW. MSC agrees that we need a better process for communicating ERTW.
- **USC** – Will review the current processes.
- **JSC** – Will review all documents jointly and come to resolution.

## **Work Restrictions**

- **USC** – Has 1<sup>st</sup> Step answer based on one job. We believe there are other jobs out there that the employee could do. The company is requiring capabilities that the employee didn't have when she was hired.
- **MSC** – The essential functions of the position have not changed. However, the employee's treating physician has now determined that the individual does not have the ability to do the job.
- **USC** – Employee may not be able to do this job, but there are other jobs that they can do.
- **MSC** – The purpose for having a Labor Pool is to provide temporary coverage for multiple positions throughout the mill. As an organization, we must have the flexibility to move labor pool employees where needed, when needed. As such, it is a condition of employment for employees in the Labor Pool to be able to meet the essential functions of all of the positions for which they may be assigned.
- **USC** – At current time company is not willing to bring the employee back and train in other positions?
- **MSC** – We cannot bring the employee back at this time since it has been determined that she cannot perform all of the essential functions. The employee can bid on jobs, and if qualified, (seniority, physical capacity, etc.) would be given an opportunity.
- **USC** – So, employee will not be able to come back to work until she can bid on another job or her restrictions change.
- **MSC** – Correct.
- **USC** – Strongly disagrees. Will take this to the 3<sup>rd</sup> Step. Consider this meeting the 2<sup>nd</sup> Step.
- **MSC** – Company has an obligation to prevent the employee from being hurt based on medical guidance.

## **Permanent Restrictions**

- **USC** – Have requested an extension on the time. The earliest appointment the employee could get with the doctor was in September.
- **MSC** – It is not within our ability to authorize extending the employee's S&A benefits beyond the 52 weeks. The employee will remain on the disability list for the remainder of the two years even though the individual is no longer eligible for benefits.
- **USC** – This is a senior employee and can bid on other open positions, correct?
- **MSC** – Yes, providing the employee is senior bidder and the permanent restrictions do not restrict the employee from the position.

## **2. Disability Leave for Employee:**

- **MSC:** Employee is still off work, but not related to the original issue. Employee has had a non-work related surgery. We have not received a final release from the first issue.

## **3. Drug Testing**

- **USC** – We still use Wauna protocol not GP's. This is the second time this has happened.
- **MSC** – Acknowledge that an error was made. We apologize and have corrected the situation. Additionally, communications were sent out to all supervision on the proper process.

## **4. Bale Pulp Receiving Discipline**

- **USC** – Issue with discipline for improper pulp receiving.
- **MSC** – Meetings were held with employees to discuss need for proper receiving, the expectations and potential consequences. Employees who were not at the meeting and made errors or did not meet the expectations were not disciplined, but received coaching.

## **5. Employee Discipline Form**

- **MSC** – Handed out new standardized disciplinary form that will be used. This will be shared with all managers and supervisors.

## **6. Jury Duty**

- **MSC** – Issue is with employees taking full days off when they only are required to be at jury duty for 1 – 2 hours. Employees should return to work if released by 11:00 am (days or nights). If an employee calls in at ~ 6:00 p.m. and isn't required to go in for jury duty, then employee should go to work. Federal Court will be reviewed on a case by case basis because of the additional driving time.

## **7. Crew Shortage**

- **USC** – Is there a policy regarding a crew shortage?
- **MSC** – No, but looking at real need to fill jobs from a cost standpoint. We won't put employees' safety at risk.
- **USC** – If an opening will not be filled, management needs to communicate reason it is not being filled.

## **8. Retiree Backfill**

- **USC** – What is the plan to backfill for possible open positions in Maintenance?
- **MSC** – Have a pool, but on hold until positions are actually open. We have brought employee in for people vacationing out. We will also take another look at the apprentice program.

## **9. Qualified Domestic Relations Order**

- **USC** – A court order can require a portion of a divorced employee's retirement and/or 401(k) to be paid to the spouse. In this case employee had money taken and he didn't even know about it.
- **MSC** – Employee should have known that a QDRO had been filed against his pension. This would have been addressed/discussed with the employee's lawyer during the divorce proceedings. QDRO's do not go through the mill. Employees need to deal directly with Vanguard.

## **10. Medical Release to Return to Work**

- **USC** – Sometimes employees are returning to work without a release from their doctor.
- **MSC** – This should not be occurring. Employees are required to have a release to return to work. Will work to clarify.

## **11. Physical Therapists**

- **USC** – Why can a Physical Therapist not allow an employee to return to work, but can not initially disable an employee from work.
- **MSC** – Physical Therapists cannot do either. They can evaluate employees to determine if they meet the essential functions (or physical capacity) to perform the work, but it is the physician who actually determines if an employee is disabled or ready to return to work. When a physical therapist conduct a Physical Capacity Evaluation (PCE), the results are sent to the individual's treating physician for concurrence. The physician's final determination is what we follow.

**12. Job Requirements Forms**

- MSC – Provided the union with job requirements forms.

**13. Napkin Operator-Adjuster Job**

- USC – Has the Junior Operator Adjuster job been eliminated? When will it be filled? If not, when will it be announced that the job has been eliminated?
- MSC – Will follow-up.

**14. Set –Up Hours**

- USC – Would like an update on hourly employees’ set-up hours, and a copy of the Mill seniority list.
- MSC – We will forward as soon as we get it.

**15. Open Bids**

- USC – .Truck Shop Utility and Box Facial Relief bids still have not been filled.
- MSC – Will follow-up. MSG position has been filled.

**16. Schedule**

- MSC – Employee has asked to modify his work hours slightly for community service without penalty to the company.
- USC – Agrees.

*NOTE: JSC – There was no Standing Committee Meeting in July.*

**Next Joint Standing Committee Meeting – Wednesday, September 21, 2005**

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For the Union

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Date

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For Management

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Date