

Standing Committee
July 21, 2010

USC: Ken Enneberg, Mike Bouse, Curt Ollilla, Paul Burgher, Bill Kerr

MSC: Chad Davis, Erik Wilson, Ron Kramer, Shawn Wood, Ian Dieter

Safety

Jim Cochran, Janelle Holzer and Chase Parmenter from the Safety Department shared four policy updates (see below). They left after presenting the policy changes.

Personal Protective Equipment Policy Update

The policy was updated to clarify a manufacturer exemption to wearing hard hats with the brim forward and the removal of Kraft Mill hard hat requirement. The picture of the cut level glove was updated to the new cut level four gloves available in free issue. Cut level two gloves or the white knight gloves may only be used for utility purposes and not for cutting. Training will be done through the policy update summary for supervisors and information in the safety newsletter along with signs in free issue.

Noise and Hearing Conservation

The policy was updated to match new corporate information and requirements including; adding a formula to determine the Noise Reduction Rating (NRR) of hearing protection, specifying that any new equipment must be evaluated for noise reduction, clarifying the requirement of the audiometric test booths annual calibration and daily operational checks, and defining new training topics. Training is done through convergence and in person at the medical office at the time of hearing tests.

Excavation and Trenching

The policy was updated to clarify training requirements for employees, the contact list was updated, the permit had additional signatures added, and the map was updated to show storm water areas as well as areas exempt from digging. Competent Person Training for Senior MSG Operators will be scheduled and then the remaining MSG workers and Utilities Maintenance Workers will receive awareness training.

Incident, Accident, and Near Miss Investigation Process

The policy was created to provide an incident investigation process that is structured to help gather facts, determine root causes and develop sound corrective actions. All investigations must be "fact-finding" not "fault-finding" and are separate from any potential disciplinary procedures. It also details the roles each person has in an investigation including the incident investigation team and area owners.

Grievances:

09-64: USW Local 1097 – Lay off Pool

MSC: Fact finding at Step 3 – Company waiting for names of affected employees.

09-69: Written Reprimand

MSC: Union requested third step on 6/24/10. The Union is challenging the Company's claim that the employee was sleeping on the job.

09-88: Discipline – Written Reprimand

MSC: Union requested fourth step on 6/23/10

10-05: Verbal for Attendance.

MSC: JSC held timely to get supervisor/steward together to discuss.

10-14: Hours of Work

MSC: Union requested fourth step on 6/23/10.

10-23: Drug Screen

MSC: Union requested fourth step on 6/23/10.

10-25: #5PM – Filling Vacancies

MSC: Remanded back to Step One on 6/24/10. Bill Kerr will work the issue with Jeremy Ness. Ron Kramer volunteered to help as necessary.

10-34: Contracting out – Clean up dust from Trusses

MSC: MSC held timely at 2nd step on 6/18/10.

USC: We had people laid off during the outage and we had the equipment so we could have done this work. They were laid off during the outage because there was no power.

MSC: We go through the list of people and ask if they would like to do another job. We try to keep everyone working. We've tried to do this the last couple of years.

USC: We believe the operators from ABT were sent home during the blackout period.

MSC: We would like to get names so we can take a look at it. Is the availability of work separate from the work that was being done?

USC: The bigger issue is contracting out of work. There is no provision in the Labor Agreement to contract out operational work.

10-35: Pay Rate during Annual Down

MSC: Discussed at 2nd step on 6/18/10.

USC: Past practice has been that if you are on special assignment you are paid the highest rate of pay of the department you are in. The way it was handled was not the right thing to do. We started paying them the higher rate, then cut them off mid stream. It would have been better to do it after the down.

MSC: The past practice you described has been in the case of the KM, Steam plant, and Wood Yard, if on special assignment for the annual shutdown, you will be paid the highest rate of pay in the department but will not be eligible for overtime pay. Going into the down you are paid what you are trained up for. During the down, if you are supervising employees you are paid set up supervisor rate and that time was counted on the 180 day clock, and then after the down you are paid what you are trained up for. The program was never intended for millwide application

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or for the emt's, hole watchers, etc. There is an opportunity for us to look at set ups and special assignment in the mill. People need to know what they are going to be paid.

USC: There is a limitation on the number of days you can be a set up and then go back to a bargaining unit job. The problem in this case was that the employees were paid a rate and then partway through were paid a different rate.

MSC: They were paid incorrectly up front and then it was corrected after proper notification. We need to determine millwide how this will be done for the future.

USC: People that volunteer for the PEO are a great asset for the company, what is the incentive for them to volunteer if they miss out on overtime in their own departments. People who did not have jobs available were sent a letter about labor pool. The jobs of the employees who were on special assignment were not offered as positions available.

MSC: We will have to look into this. We will take a look at any employees who were on special assignment if their regular job was available.

10-36: Respiratory Protection Policy

USC: This is about the respirator policy. Does OSHA require that when you are fit tested that you be clean shaven?

MSC: OSHA requires that you be clean shaven for fit testing and any time you wear the respirator.

USC: Is that clean shaven or is some form of facial hair acceptable?

MSC: We believe clean shaven means no hair that affects the seal of the respirator.

USC: There are guys that have passed the fit testing with goatees.

MSC: The issue isn't passing the fit test, OSHA does not want any hair to affect the seal.

USC: They are treating dust like it is a chemical.

MSC: They are treating dust like an explosive.

USC: What the employees purchased for the hoods a year later are not acceptable hoods. The style of hood changed.

MSC: If you look at the document attached to the grievance dated 2/24/09 it stated the model and serial number that were acceptable. The equipment was allowed because it was approved by GP as meeting the requirements of the applicable codes.

USC: The grievants are claiming that the alternatives are not being stocked or available.

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MSC: The attached document states that the employees may purchase the respirator from various suppliers.

USC: Hold timely until we can determine what the company is not providing.

MSC: We are concerned that people may feel that if they are wearing a respirator and have at one time passed the fit testing, that it doesn't matter if they have facial hair. As management, we are required to follow up to ensure the respirator being worn is the correct one and makes the proper seal which can be hampered by facial air at the seal line.

USC: If an employee passes with facial hair they are being told that they still need to be shaved.

MSC: It would be difficult to manage if you have employees with facial hair and determining that they are wearing the proper respirator.

USC: OSHA Law doesn't say anything about facial hair as long as it does not impede with the seal.

MSC: There is an interpretive document from OSHA that has pictures of facial hair and shows you what is allowed and what is not. Do we want to send back to first step and get a recommendation from WSC?

USC: They are the most knowledgeable about what is going on. Curt will work with Shawn Wood as members of the WSC to address this issue. Hold timely.

10-37: Local 1097 Mechanics committee – Contracting out during Annual

MSC: Request for third step meeting on 6/16/10.

10-38: Machine Tender Scheduling PM6&7

USC: This was during the cold outage, no Machine Tenders were scheduled on May 13th and 14th nights on 6&7PM but operational work was performed. One example of the work performed is an isolation was left open. Contractors were in working on the floor on the 13th. Normally they schedule a Machine Tender to take care of the operational work that needs to be done. The gas line was purged and no fire watch was scheduled.

MSC: The purge was done in the morning and we needed to determine where the valve was. There was not a fire watch scheduled.

USC: The lockout procedure was written and started at 10pm that night.

MSC: Are you saying that the Company cannot issue lockout tagout/confined space permits without the union?

USC: It is our work. The lockout procedure was started at 10pm.

MSC: When you say it was initiated what does that mean?

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USC: Locks were on. We requested information on this from Tony Benson, the area leader.

MSC: If you get a lock out tag out form that has activity on it the night before, what happens if the safe work permit is issued prior to the shift?

USC: You have to have it revalidated if someone has to leave at the end of the shift.

MSC: There are instances where we do not have an operator for an area and a salaried person issues it.

USC: We understand that there are some gray areas.

MSC: Is it section 15A or 16A for the contract violation on the grievance?

USC: Section 15A.

MSC: The argument is that who would issue the safe work permit, an hourly person or a salaried person.

USC: The issue was that you did not schedule a fire watch.

MSC: We decided not to schedule a fire watch because we did not want someone out there without power trying to use flashlights only. We considered using the fire watch that was scheduled for 5PM but then decided that there were too many hazards in the area with the lights off. We would argue that anyone can issue a safe work permit.

USC: You are sure that there were no fire watch activities that night?

MSC: There might have been. At one point we considered using the PEO as fire watch. We determined that because there was no steam or electricity.

USC: We agree that management can complete a permit, but not that they can turn valves. We will send a formal letter requesting the information.

MSC: Please send the request through HR. We do not see safety as 1097work, and we do not see a contract violation.

USC: Our position is that if there was our work going on we should have done it.

MSC: What is the work that went on?

USC: There were contractors in the MCC's and working on the floors.

MSC: During the black out at night time there was not supposed to be anyone working if the job was being done according to schedule.

USC: Hold timely, we will send an information request.

10-39: Supervisor Working

MSC: The supervisor entered the roll information into the computer. It wasn't so much a programming issue but trying to help get a product to go through during about a 30 minute window of time. We do not bring people in for this work. The supervisor was trying to provide training to the operator. Normally they would put in the initial information or a vendor would. The grievant in the area felt that only hourly employees should touch the machine. Is there a personal issue here?

USC: The supervisor used to work in the area as an hourly employee. While he was an hourly employee he was sent to training and now the supervisor has the knowledge and is not sharing it with the other workers. The information we have does not indicate he was showing how to do it. He was just doing it.

MSC: We restricted access to the parameters to E&I and Leadership.

USC: We have a letter of understanding from Mike Tompkins in January 2009 that states that if they are doing the work, they should be instructing hourly so they can do the work in the future.

MSC: This is for the E&I Converting group?

USC: Yes. There is more going on in this instance. One account from an employee is that the supervisor started the equipment while the employee was still making adjustments. Talking with employees we understand that he tends to do this in the area. Another problem is that it sounds as if the supervisor may have the type of personality that reacts to things.

MSC: The Supervisor did not take over the task. The hourly employee was there the whole time.

USC: We are getting two stories about this. Employees in the area are referencing the total changeover.

MSC: We are going to continue to share PLC work. It is not our intent to do bargaining unit work. We may consider pushing it back to first step to find out what operations work was done.

USC: We think that would be a good idea, we would like someone from USC present in the talks with the employees. There are some accounts of the supervisors telling the employees to go ahead and file a grievance because the supervisor would win. It is unprofessional.

MSC: We do not condone that from any of our supervisors and managers and we will speak with him to see if he said that. Your suggestion is good, let us know who on USC will work with Eric Wilson.

10-40: Scheduling of B Pool Operators on #6PM

USC: There was extra work and unless specifically outlined otherwise in any departmental scheduling guidelines, it should be scheduled from the top down. We would like to withdraw this grievance but would like to make sure that the scheduling of extra work is understood.

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Agenda Items:

7/8 Torch Project

MSC: We are having the parts delivered this coming Monday, and we are planning on the project starting in the first week of September. The intent is to do the tear out upgrade in the first two weeks of October. By October 18th, we hope to have the machine up and working the bugs out. This week we are doing position profiles for the 7/8/13 ladder which will define what the training needs are and the training program. We have two people who are working the safety part of the training, a Rewinder operator and a Utility Person who will work with Tom Day. We have not discussed the opportunities for vacations for those weeks in October. Right now we have three approved vacations, but we are proposing that we lock out or freeze any other vacation requests so we have the manpower to get the machine running.

USC: What are you offering for that? Are you offering extra time off slots later or before the machine start up?

MSC: We will review with Kay Crist to make sure we make up any lost weeks.

USC: You should also look at the overtime liability created by those vacations.

Probationary Employee (Bid Job)

USC: We looked at the reviews this employee has, and there were no performance issues brought up to him at that time. He had an extension of 30 days because of some safety concerns, and as far as we know they were corrected. We have a concern that there is a personal issue between some of the people providing the feedback that ultimately resulted in him not getting approved through the extended probationary period. The whole probationary period is to allow the employee to train and get feedback on what to work on. We think the system failed him. The employee was called at home on his vacation and told about things that he was not able to correct. We think there was an injustice here. We asked in standing committee for one of our members to sit in on his reviews. The reviews do not support the issue.

MSC: What do you want to do?

USC: Now someone else has taken that bid and he's been barred from applying because he was disqualified. We are not doing the reviews and catching issues in the probationary period like we should.

MSC: In general the issue with progress reports is that people are more willing to share issues verbally but not in writing.

USC: We would like to meet and talk about this before next month because it has been going on since April.

MSC: We will review the additional information and set up a meeting.

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6/7 PM Labor Pool

MSC: Do you have any feedback on the 6/7 Labor Pool proposal?

USC: There was some concern about training them on both machines. But the rate of pay is still an issue. They can't make less than what they are making now.

MSC: We would have to do a formal job wage analysis. Keep in mind that the T rate that was selected is only when those employees are doing the training, once they are trained and they are in the job as a B Pooler or above, they get the rate of the job they are performing. The T Rate only lasts as long as they are training.

USC: How long would that training last? Would you still take the 10% out of the T rate?

MSC: We would have to look at the 10%, which as you know comes back to the employee when they blue slip.

USC: Labor Pool employees working there now are getting the higher rate.

MSC: We tried to model this after the old machine 3 and 4 utility pool.

USC: Training on both machines is complicated.

MSC: We would train on 6 B Pool first and then focus on LGV training. Then they would be eligible to fill in on 6 while doing other training.

USC: That is setting a precedent for training rates being lower.

MSC: We are trying to get people working on 6/7 that actually want to be there working, and they would be trained on both machines.

USC: Why would you only have Monday through Sunday vacations?

MSC: As a scheduler, doing Monday through Sunday vacations is cleaner; another way to do it would have them assigned to a crew for vacation purposes and work it out when the time comes. Monday to Sunday allows us to schedule them the same, and we could always make it day off to day off at the time if it makes sense.

USC: With your proposal there is no benefit to the employees because they already are on Monday to Sunday vacations and they would make less money.

MSC: They would get more pay because labor pool employees in training make the labor pool rate of pay, this would pay them \$2 more per hour.

USC: If someone is in a pool they do not put in the dedication that they would if they knew what department they would be in.

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MSC: We are trying to bring the relief into the department. The people who would be in that pool would want to be in the department permanently.

USC: We still have a problem with the Monday through Sunday vacations. We think the Company can work around it.

MSC: If the Company were to step away from the Monday through Sunday vacations in the proposal, would the rest of it fly?

USC: We are not opposed to the pool idea, but we do have concern about the length of time for the training. Maybe you could ask for an extension if it goes beyond 60 days.

MSC: We would have to look at the vacation scheduling to see if it makes economic sense to go ahead with the proposal.

USC: Looking at scheduling for #6PM. There have been three labor pool people there for the last three years.

MSC: From a pool standpoint you do not know what crew they will be on when they take their vacations. If you are obligated to bring them back to the artificial crew they signed up on vacation, it creates complications in scheduling.

USC: As a relief, you can't shorten the days but you can give them extra days to get them back on the crew you need them on.

MSC: If we do not need them on the artificial crew they signed up on, we would just send them back to labor pool.

USC: You have an issue with seniority if someone with higher seniority needs to go back to labor pool. It would be the bottom guy in the ladder.

MSC: We talked to some guys on 6/7 pm and they understand the vacations would help to optimize the labor. There would be more crew movement if they did day off to day off.

USC: Do vacations count towards the department? If so, which side?

MSC: You would have to combine your vacation liability. There are three grandfathered employees that were displaced because of the LGV's. They would be above the pool. Looking at the scheduling, if they leave from a crew and are coming back to the same crew they would be converted to day of f to day off. Even if they were Monday to Sunday, depending on the crew they were needed back on, their leave still could be extended depending on the day they need to return. We could put this on a trial basis and see what happens.

USC: We will discuss it and get back to you.

MSC: We would like to keep this moving because of the vacation scheduling through the summer and fall.

Senior Moves in Shipping

USC: We have had a request from the shipping employees to lengthen out the length of time before senior moves can be made from two weeks to four weeks. We do not like the wording they have written, so we will have to bring that back.

MSC: It seems that there is a ground rule in existence that dictates the current two week time frame that would have to be changed.

Contracting out for a Tug Captain

MSC: We want to move ahead on contracting out for a Tug Captain on those few occasions where we cannot get a hold of our blue slipped Captains. We are proposing that we utilize a retiree who would be used after we exhaust everyone on our call list. He would be paid through Encadria as a temporary employee. We would use him instead of using Tidewater at less cost to the company, and once we've cleared it with our insurance.

USC: Our one concern is what will we do to ensure we have enough qualified people here at the mill? It takes quite a bit of training to qualify for the job. We could agree if we had some reassurance that we continue to make sure we keep people qualified.

MSC: When we have a vacancy, we can hire into the bargaining unit a qualified person. There are some guys who have come up from Tug Mate and qualified, but it takes a lot of personal time and commitment from the employee. This is a case of needing to cover the weekends when none of the qualified employees take the calls. Using a retiree was a recommendation from one of our current Tug Captains.

USC: So he would be used 5-6 times a year? We agree on a non-precedent setting basis that we will do this to the end of the year. This will allow us to talk with the Tug Captains to see what they want.

Wage Rate Retention

USC: We would like to ask that this employee's wage rate from the #5 PM be retained. Local 1097 Labor Agreement on page 45, under Exhibit A-1 Wage Rates, Paragraph D, Job Rate Retention, Item Two "An employee who is required to change jobs due to a bona fide medical reason will, on a case-by-case basis, be eligible for consideration under this job rate retention provision."

MSC: Due to the sensitivity and timing of the issue, we have to hold timely until we can work it between the appropriate parties.

Mediation Language

MSC: In the Local 1097 Labor Agreement, page 37, Section 29 on Mediation it states "If the Local Union and Mill Manager are unable to arrive at a satisfactory settlement at the Third Step of the grievance procedure or Step 1 of the appeal from discharge or suspension procedure, the Local Union may elect to refer the grievance or appeal to mediation in place of Step 4 of the grievance procedure".

USC: We do not think under the grievance part we've been using mediation incorrectly.

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MSC: It feels like an interpretation of the language is an either /or mediation or using an outside party that could move on to arbitration.

USC: We do not think we've done both.

Lunch Breaks

USC: The Bureau of Labor and Industries says that lunch will be provided between the fourth and sixth hour of the day. This came up during another grievance and the Supervisors still seem to be unaware of that. This was part of grievance (09-49). Part of that grievance was that the supervisors were going to be educated.

MSC: This was an issue for maintenance previously. While not remembering all the details of the previous grievance, we believe that collective bargaining agreements can supersede the law. Our contract states when lunches should be taken.

USC: We don't believe it would in a case where you start earlier than your contractual start time.

FMLA

USC: We've discussed before problems for employees getting their FMLA granted. We have a string of emails from an employee and the HR representative who is supposed to be an advocate for us. We've heard numerous complaints from employees about how hard it is to get FMLA here.

MSC: The HR Representative is the point person for HR and upholds that the laws and corporate guidelines are followed. She will give her best opinion based on what she's read or what her knowledge is. FMLA law is very extensive.

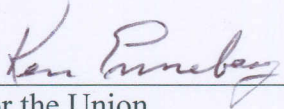
USC: We are concerned about how long the process takes. We do not think the process is working.

MSC: We've heard your concern and will look into it.

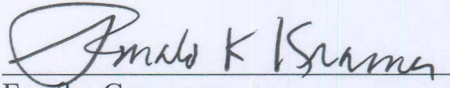
Next Meeting

The next Standing Committee meeting will be held on Wednesday August 25, 2010.

Meeting Adjourned.



For the Union



For the Company