

JOINT COUNCIL OF TEAMSTERS NO. 28

Affiliated with the International Brotherhood of Teamsters

14675 Interurban Ave S, Suite 301
Tukwila, Washington 98168
(206) 441-7470 • Fax (206) 441-3157

John A. Williams, President

JC-28 FREIGHT DIVISION, Ken Thompson, Director

FACSIMILE TRANSMITTAL

Date: JANUARY 6, 2011

To: ALL MEMBERS SIGNATORY TO THE OAK HARBOR FRIEGHT LINES LABOR AGREEMENT; LOCALS 81, 174, 231, 252, 324, 483, 589, 690, 760, 763, 839 & 962 AND JOINT COUNCILS 28 & 37

From: KEN THOMPSON, FREIGHT DIRECTOR
JOINT COUNCIL OF TEAMSTERS NO. 28

Subject: OAK HARBOR FRIEGHT LINES UPDATE - NLRB DECISION

Dear Brothers and Sisters:

The Administrative Law Judge (ALJ) of the National Labor Relations Board (NLRB) who presided over the unfair labor practice hearing against Oak Harbor last summer has issued his Decision. The ALJ concluded that Oak Harbor violated the law when it unilaterally implemented a new health care plan at the conclusion of the strike in February, 2009. The ALJ also ruled that the Company illegally fired Jeff Gibson for engaging in lawful, protected activity during the strike. Although there are aspects of the remedy that have not yet been addressed, the ALJ's Order requires that the company cease giving effect to its health care plan and restore the status quo. The Company is also required to offer reinstatement to Jeff Gibson and make him whole for his losses with interest. The amount of money that the company may have to pay to employees covered by its health care plan or to the Health & Welfare funds provided for under the expired Collective Bargaining Agreement has not yet been determined.

On the pension issue, the ALJ excused the company's termination of pension contributions by finding that language in a form used by the Pension Trust waived Oak Harbor's obligations under the National Labor Relations Act. The Union strongly disagrees with this portion of the ALJ's Decision and will review our options to have this portion overturned. Representatives of the affected Local Unions will be meeting on Friday, January 14, 2011 to do the review and we will get a report out to you after conclusion of the meeting.

The ALJ's Decision is not a final order. Either party can appeal the Decision to the NLRB in Washington D.C. in the next 28 days. We will keep you informed of future developments. A copy of the ALJ's Decision is available at www.nlr.gov or you can get a copy from your Local Union.

Total pages, including cover sheet 01. Hard copy to follow No Transmitted by: Diana McDowell

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