



Over A Century Strong

January 22, 2021

Mrs. Jamie Walker
Mr. Adam Boss
Mr. Jerry Nies
Penn Aluminum
1117 North Second St.
Murphysboro, IL 62966

Dear Mr. Walker, Mr. Boss and Jerry Nies:

Background: As you know, on October 30, 2020, Local 702 sent a request to bargain over the terms of a successor Collective Bargaining Agreement (CBA) and requested bargaining dates. On November 6, 2020, the Employer withdrew recognition “effective immediately” even though CBA remained in effect through December 14, 2020. Local 702 believes that the “petition” that the Employer relied upon was defective and that the Employer had no right to withdraw recognition in the mid-term of the CBA. To avoid delays inherent in the NLRB’s procedures to process unfair labor practice charges, Local 702 filed for a NLRB election. On January 8, 2021, Local 702 won the NLRB conducted secret ballot election to continue serving as the collective bargaining representative of the employees at the Murphysboro plant.

Demands that Employer bargain over successor CBA, schedule bargaining meetings, comply with the CBA during its term, restore status quo terms and conditions of employment, and not reduce wage increases and benefit improvements. By this letter, Local 702 is again requesting bargaining with the Employer over the terms and conditions of a successor CBA. Local 702 provides the following dates to meet and begin negotiations. February 8, 9, 10, 11, 12, 17, 23, 24, and the 26th. In addition, Local 702 is requesting that the Employer comply with the CBA during its term, restore status quo terms and conditions of employment, and not reduce wage and benefit improvements. On November 6, the same day that the Employer withdrew recognition, the Employer posted a notice at the plant that effective January 1, 2021, the Employer would implement:

- (1) a 2.8% general wage increase;
- (2) an improvement of the vacation schedule to a maximum of 25 days;
- (3) an improvement in the short term disability plan;
- (4) no changes to premiums or benefits in the medical, dental and vision plans in 2021;
- (5) benefit increases in the basic and AD&D life insurance plan; and

(6) an unspecified waiver of benefit waiting periods. In addition, Local 702 has received information that the Employer implemented other wage increases before January 1, 2021 and in addition to the 2.5% increase. In accordance with NLRB rules, Local 702 is requesting that all wage and benefit improvements remain unchanged and not be reduced while the parties engage in collective bargaining for a successor CBA.

Grievance processing and meetings: Local 702 is demanding that the Employer resume processing of all grievances including but not limited to the November 10, 2020 grievance over the discharge of Shannon Bohannon which the Employer refused to process. To investigate Ms. Bohannon's discharge grievance, I request that the Employer produce all documents it relied upon in discharging Ms. Bohannon, notes of any interviews related to discipline, and her personnel file. Local 702 reserves the right to resume processing other pending grievances which were impacted by the Employer's withdrawal of recognition.

CBA Article 1, Section 4 new employee orientation meetings: Per CBA Article 1, Section 4, the Union is entitled to conduct on Company time a new employee orientation meeting with each newly hired employee. As provided under the CBA, I am requesting a list of the new employees with their start date, home address, who have not had a Union orientation meeting, and a scheduling of the meetings for the orientation meetings.

Union bulletin board. Per CBA Article XIII, please immediately restore the Union bulletin board and access as provided by CBA Article XIII.

CBA Article 1, Section 3 Dues checkoff: Under CBA Article 1, Section 3, the Employer agreed to dues checkoff during the term of the CBA. Local 702 is requesting that the Employer comply with its due's checkoff obligations between the period between the November 6 withdrawal of recognition and the December 14, 2020 expiration of the CBA and after CBA expiration as permitted by NLRB rules.

Information request: In order to prepare for bargaining over a successor CBA and to determine the changes (including improvements) that the Employer made in the terms and conditions of employment after the Employer withdrew recognition, Local 702 requests the following information:

Wages. For each bargaining unit employee, identify each wage rate and change in wage rate that was in effect at any time on or after November 6, 2020. Again, as provided for under NLRB rules, Local 702 demands that wage increases remain in effect pending negotiations.

Group Health Insurance Plan: For the Group Health Insurance Plan provided by the Employer to the bargaining unit employees at any time in 2020 or 2021 provide the following documents:

1. Summary Plan Description which was in effect at any time in 2020 or 2021 including Summaries of Material Modifications.

2. Plan Document which was in effect at any time in 2020 or 2021 including Plan Amendments.
3. Group insurance contract(s) which were in effect at any time in 2020 or 2021.
4. Most current Form 5500.
5. Most current audit.
6. Employer and Employee contributions and/or premiums that were in effect at anytime in 2020 or 2021 for employee only and or family coverage.
7. Documents showing the calculation of Employer and Employee contributions and/or premiums that were in effect at anytime in 2020 or 2021.
8. Most current report of Plan consultant or insurance agent.

Group Life and AD&D Plan. For the Group Life and AD&D Plan provided by the Employer to the bargaining unit employees at any time in 2020 or 2021 provide the following documents:

1. Summary Plan Description which was in effect at any time in 2020 or 2021 including Summaries of Material Modifications.
2. Plan Document which was in effect at any time in 2020 or 2021 including Plan Amendments.
3. Group insurance contract(s) which were in effect at any time in 2020 or 2021.
4. Most current Form 5500.
5. Most current audit.
6. Employer and Employee contributions and/or premiums that were in effect at any time in 2020 or 2021.
7. Documents showing the calculation of Employer and Employee contributions and/or premiums that were in effect at any time in 2020 or 2021.
8. Most current report of Plan consultant or insurance agent.

Group Short Term and Long Term Disability Plan(s). For the Group Short Term and Long Term Disability Plan(s) provided by the Employer to the bargaining unit employees at any time in 2020 or 2021 provide the following documents:

1. Summary Plan Description which was in effect at any time in 2020 or 2021 including Summaries of Material Modifications. Names, addresses, and date of employees on disability.
2. Plan Document which was in effect at any time in 2020 or 2021 including Plan Amendments.
3. Group insurance contract(s) which were in effect at any time in 2020 or 2021.
4. Most current Form 5500.
5. Most current audit.
6. Employer and Employee contributions and/or premiums that were in effect at any time in 2020 or 2021.
7. Documents showing the calculation of Employer and Employee contributions and/or premiums that were in effect at any time in 2020 or 2021.
8. Most current report of Plan consultant or insurance agent.

Group Dental Plan. For the Group Dental Plan provided by the Employer to the bargaining unit employees at any time in 2020 or 2021 provide the following documents:

1. Summary Plan Description which was in effect at any time in 2020 or 2021 including Summaries of Material Modifications.
2. Plan Document which was in effect at any time in 2020 or 2021 including Plan Amendments.
3. Group insurance contract(s) which were in effect at any time in 2020 or 2021.
4. Most current Form 5500.
5. Most current audit.
6. Employer and Employee contributions and/or premiums that were in effect at any time in 2020 or 2021.
7. Documents showing the calculation of Employer and Employee contributions and/or premiums that were in effect at any time in 2020 or 2021.
8. Most current report of Plan consultant or insurance agent.

Group Vision Plan: For the Group Vision Plan provided by the Employer to the bargaining unit employees at any time in 2020 or 2021 provide the following documents:

1. Summary Plan Description which was in effect at any time in 2020 or 2021 including Summaries of Material Modifications.
2. Plan Document which was in effect at any time in 2020 or 2021 including Plan Amendments.
3. Group insurance contract(s) which were in effect at any time in 2020 or 2021.
4. Most current Form 5500.
5. Most current audit.
6. Employer and Employee contributions and/or premiums that were in effect at any time in 2020 or 2021.
7. Documents showing the calculation of Employer and Employee contributions and/or premiums that were in effect at any time in 2020 or 2021.
8. Most current report of Plan consultant or insurance agent.

Retirement Plan. For the Retirement Plan provided by the Employer to the bargaining unit employees at any time in 2020 or 2021 provide the following documents:

1. Summary Plan Description which was in effect at any time in 2020 or 2021 including Summaries of Material Modifications.
2. Plan Document which was in effect at any time in 2020 or 2021 including Plan Amendments.
3. Group insurance contract(s) which were in effect at any time in 2020 or 2021.
4. Most current Form 5500.
5. Most current audit.
6. Formula for Employer contributions that was in effect at any time in 2020 or 2021.
7. Most current report of direct and indirect fees.
8. Most current investment report.
9. Most current report of Plan consultant or insurance agent.

Vacation. Provide any schedule of vacation benefits that was in effect at any time in 2020 or 2021.

Holidays. Provide any schedule of holiday benefits that was in effect at any time in 2020 or 2021.

Waiting period(s). Provide documents of any “waiting period(s)” that was in effect in 2020 or 2021, and which describe the change in “waiting period(s)” which was referred to in the Employer’s November 6, 2020 posting.

Safety rules: Provide any safety rules that were in effect at any time in 2020 or 2021.

Rules of employee conduct. Provide any rules of employee conduct which were in effect at any time in 2020 or 2021.

Seniority. With respect to seniority, provide the following documents:

1. Any seniority list that was in effect at any time from October 1, 2020 to the present.
2. List of any probationary employee employed by the Employer at any time from October 1, 2020 to the present.
3. Identify any employees whose seniority date was changed from October 1, 2020 to the present and identify the change in the seniority date.
4. Identify any current bargaining unit employee who was provided seniority credit for time worked outside the bargaining unit.
5. Identify any employees whose probationary period was extended from October 1, 2020 to the present.
6. Provide all job or vacancy postings and awards since October 1, 2020 including the employees who bid for the job, and the employee who was awarded the job.
7. Provide all discipline issued to bargaining unit employees from October 1, 2020 to the present.
8. Provide all documents related to any job demotions from October 1, 2020 to the present.
9. Provide all documents related to any job transfers occurring from October 1, 2020 to the present.
10. Provide all documents related to any changes in departments from October 1, 2020 to the present.
11. Identify by name and seniority date any employee who was laid off, recalled or promoted from October 1, 2020 to the present.

12. Identify each employee by name and seniority date whose seniority was terminated from October 1, 2020 to the present.
13. Identify each lead person by name, dates of leadman classification and department who held the position of lead person at any time from October 1, 2020 to the present.
14. Identify each employee on a leave of absence at any time from October 1, 2020 to the present.
15. Identify each employee whose classification or department changed at any time from October 1, 2020 to the present including the classification or department before and after the change, the wage rates paid, and the dates of the changes.

Hours of Work. Provide the following information related to hours of work.

1. Identify each work schedules that were in effect at any time from October 1, 2020 to the present.
2. Identify overtime assignments which were made at any time from October 1, 2020 to the present.
3. Provide documentation that the Employer complied with call in pay rules under CBA Article 3, Section 6 from October 1, 2020 to the present.
4. Provide documentation that the Employer complied with paid break rules under CBA Article 3, Section 7 from October 1, 2020 to the present.
5. Provide documentation that the Employer complied with paid meal time rules under CBA Article 3, Section 8 from October 1, 2020 to the present.

We look forward to restoring day to day labor management relations and negotiating a successor CBA. Please provide the requested information no later than February 8th, 2021.

Best regards,

Mike Lustig

Mike Lustig
Business Representative

Cc: Posted on Union's website for Union members
Sent Certified Mail / RRR: 7018 1830 0002 1383 2021