

The Rebel



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Local 153 Prepares To Take Action

AWPPW Local 153 Longview, Washington, continues its efforts to negotiate a fair and equitable labor agreement with Kapstone Paper, formerly known as Longview Fibre. During the current labor negotiations Kapstone Paper paid out millions of dollars in extra stock dividend bonuses to its wealthy owners and purchased Victory Paper for \$615 million while, at the same time, demanding concessions from their dedicated hard working employees.

As *The Rebel* goes to press the Local 153 Bargaining Board decided to bring back the company's latest offer for the members to vote on. Voting will take place on July 20th, 21st, and 22nd, with proposed labor agreement explanation meetings being held each day.

AWPPW Northern Washington Area Representative John Minor has been the union spokesman for Local 153. Minor said "Kapstone came to the bargaining table with a callous disregard for fairness. They demand concessions, committed numerous ULP (unfair labor practice) violations, and they attack seniority. When pressed by the union to bargain a fair and equitable contract, Kapstone said they couldn't significantly change their offer as a matter of 'principle'. Well, they may get the opportunity, very soon, to ship cases to their customers full of 'principle' instead of product. Let's see how well that works out for them."

AWPPW Vice President Greg Pallesen has provided strike training to nearly all of the Local's 800 members and has provided additional training to those who, in the event of a strike, will be strike captains.

"The membership is very well prepared for a labor strike," says Pallesen, who also states "With



Local 153 member Todd Hanke is pictured stacking a supply of rally signs in case they may be needed if a satisfactory company offer cannot be achieved through negotiations. Hanke is also a member of the Bargaining Board.

the recent purchase of Victory Paper, Kapstone is in a vulnerable financial position. Kapstone desperately needs consistent cash flow from the Longview manufacturing site. A strike will certainly cost Kapstone financially way more than what a fair and equitable labor agreement would cost."



These pictures were taken at some of the recent Local 153 strike training sessions that V.P. Greg Pallesen has conducted. Nearly all of the membership has been trained in a series of sessions. Strike captains have received additional training.

Pallesen Shares NLRB Social Media Info

Brothers and sisters, it is important to remember, private sector employees covered under the National Labor Relations Act (NLRA) are protected when they engage in “concerted activities” (activities jointly undertaken by employees for the purpose of improving their working conditions). Private sector employees are not protected when they take action on their own.

You must be careful when posting to electronic media services such as Facebook and Twitter. In the United States we all have freedom of speech, unless you are employed. If you have a job you are not free to say whatever you think or feel without the risk of being reprimanded by your employer up to and including being fired.

If you are called into a meeting regarding any activity you have done relating to social media, remember to state the following. “I did _____ in a concerted effort with my fellow workers.” Obviously, request a shop steward to be at the meeting; talk privately with the shop steward to ensure he or she understands the facts relating to any social media activity you have been involved in.

Below is an overview from the National Labor Relations Board (NLRB) regarding “concerted activity” and Social Media. Please feel free to contact me if you have questions, concerns and/or comments regarding your rights in the workplace.

The NLRB and Social Media

The National Labor Relations Act protects the rights of employees to act together to address conditions at work, with or without a union. This protection extends to certain work-related conversations conducted on social media, such as Facebook and Twitter.

In 2010, the National Labor Relations Board, an independent federal agency that enforces the Act, began receiving charges in its regional offices related to employer social media policies and to specific instances of discipline for Facebook postings. Following investigations, the agency found reasonable cause to believe that some policies and disciplinary actions violated federal labor law, and the NLRB Office of General Counsel issued complaints against employers alleging unlawful conduct. In other cases, investigations found that the communications were not protected and so disciplinary actions did not violate the Act. General Counsel Memos

To ensure consistent enforcement actions, and in response to requests from employers for guidance in this developing area, Acting General Counsel Lafe Solomon released three memos in 2011 and 2012 detailing the results of investigations in dozens of social media cases.

The first report, issued on August 18, 2011, described 14 cases. In four cases involving employees’ use of Facebook, the

Office of General Counsel found that the employees were engaged in “protected concerted activity” because they were discussing terms and conditions of employment with fellow employees. In five other cases involving Facebook or Twitter posts, the activity was found to be unprotected. In one case, it was determined that a union engaged in unlawful coercive conduct when it videotaped interviews with employees at a nonunion jobsite about their immigration status and posted an edited version on YouTube and the Local Union’s Facebook page. In five cases, some provisions of employers’ social media policies were found to be overly-broad. A final case involved an employer’s lawful policy restricting its employees’ contact with the media.

The second report, issued Jan 25, 2012, also looked at 14 cases, half of which involved questions about employer policies. Five of those policies were found to be unlawfully broad, one was lawful, and one was found to be lawful after it was revised. The remaining cases involved discharges of employees after they posted comments to Facebook. Several discharges were found to be unlawful because they flowed from unlawful policies. But in one case, the discharge was upheld despite an unlawful policy because the employee’s posting was not work-related. The report underscored two main points regarding the NLRB and social media:

- Employer policies should not be so sweeping that they prohibit the kinds of activity protected by federal labor law, such as the discussion of wages or working conditions among employees.
- An employee’s comments on social media are generally not protected if they are mere gripes not made in relation to group activity among employees.

The third report, issued May 30, 2012, examined seven employer policies governing the use of social media by employees. In six cases, the General Counsel’s office found some provisions of the employer’s social media policy to be lawful and others to be unlawful. In the seventh case, the entire policy was found to be lawful. Provisions were found to be unlawful when they interfered with the rights of employees under the National Labor Relations Act, such as the right to discuss wages and working conditions with co-workers.

Some of the early social media cases were settled by agreement between the parties. Others proceeded to trial before the agency’s Administrative Law Judges. Several parties then appealed those decisions to the Board in Washington D.C. Board decisions

In the fall of 2012, the Board began to issue decisions in cases involving discipline for social media postings. Board decisions are significant because they establish precedent in novel cases such as these.

In the first such decision, issued on September 28, 2012, the Board found that the firing of a BMW salesman for photos and comments posted to his Facebook page did not violate federal labor law. The question came down to whether the salesman was fired exclusively for posting photos of an embarrassing accident at an adjacent Land Rover dealership, which did not involve fellow employees, or for posting mocking comments and photos with co-workers about serving hot dogs at a luxury BMW car event. Both sets of photos were posted to Facebook on the same day; a week

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REBEL DEADLINES SET

The deadline for the next edition of “The Rebel” is September 16, with a publication date of September 25. Deadline/publication dates for the following “Rebel” are November 11 and November 20, respectively.

Sullivan Recaps Bills Status

First, an update to information given in the May issue of *The Rebel* on progress with the Oregon legislature:

SB-324 (now called the Clean Fuels Program) — As reported, the Clean Fuels Program became law when Governor Brown signed on 3/12/15 but it did not end there. At the suggestion of Senate Minority Leader, Ted Ferroli asked Governor Brown to convene a meeting of lawmakers (later called the “Gang of Eight”) to see if there could be a compromise bill to replace SB-324 in order to have a transportation package to fix roads and bridges in this state. The Gang of Eight met from May 27th through June 15th. They came up with a replacement of SB-324 that would have other carbon reduction measures and a \$343.5 million for roads and bridges. Some House democrats didn’t want to see the merits of SB-324 and held out on any compromise. What really blew up this compromise bill was when Matt Garrett, Director of the Oregon Department of Transportation made testimony on June 24th . He stated that his agency severely over-estimated the carbon-reductions numbers in the Gang of Eight’s compromise bill. The next day Governor Brown and Senate President Courtney acknowledged the defeat.

So there is no money for roads and bridges unless a special session is held on this issue, which may just happen. Meanwhile, there are three initiatives filed with the Secretary of State by the gas and diesel refineries and Oregon distributors to repeal or modify the SB-324/Clean Fuels Program.

The initiatives won’t be voted on until the General Election in November 2016. That is also when 75 of the 90 legislative seats will be up along with the possible re-election of the Governor, State Treasurer, and Secretary of State. So indeed, this saga is going to continue. Sometimes winners become losers-tune in!

HB-3470 — a carbon tax, and SB-824 clean diesel, died in committee upon adjournment of the Oregon Legislature 7/6/15

SB-752 — has been signed in to law by Governor Brown and became effective 6/18/15. It conditionally exempts from regulation under certain air pollution laws carbon dioxide emissions from combustion or decomposition of biomass (similar to Washington state’s policy).

HB-3026 — As you may recall this bill died in committee but was picked up by the Management-Labor Committee (MLAC). It went from psychological training for injured workers in HB-3026 to now “counseling for injured workers”. The Senior Policy Advisor to MLAC, Theresa Van Winkle, has recently informed me that MLAC is going to take a break in order to fill vacant seats and will meet in early September. Theresa said she will be working with the co-chairs to determine how and when this subcommittee/work group will be up and running. She will let me know as information becomes available.

This is great news and hopefully I will be included in the process to help get some great language developed to take back to the Oregon legislature. Remember MLAC is an advisory committee on workers’ comp issues. MLAC is independent of the Legislature, which the legislators don’t particularly like but the last two governors would not sign on to a worker comp bill if it hadn’t been reviewed by MLAC. It takes a double majority of Labor and management of MLAC to have anything passed. This process tends to stymie large reforms to workers’ comp. To me, this is something that needs to be done more quickly. That said, I am very glad HB-3026 still may bear fruit. I will keep you posted.

HJM-18 — This is the memorial that urges congress to change Veterans health care funding to direct funding from discretionary spending. In May, I reported that it passed in the House. The Senate followed on 6/1/15 with a 58-0-2 vote. It is now filed with the Secretary of State and sent to Oregon’s US Senators and Representatives.

The state of Oregon understands the need very well,

however the federal government doesn’t. When I made testimony, I told the committee that the US has no problem giving the military (not counting defense budget) a yearly budget of \$621 billion, but won’t help the Veterans. There is money for the “hardware” but nothing for the “software” – that being the veterans who man, maintain, and make the hardware what it is. Many thanks to Rep Esquivel (R-6), Lu-89 and his chief of staff/wife, Jan for shepherding this memorial through. It would not have happened without them.

SB-631 — It died in committee upon adjournment. This is most unfortunate because it would have developed an oversight of the Health care for All Oregon Plan by the Oregon Health Authority. Health Care for All Oregon (HCAO) is the attempt to get a single-payer health system in this state. AWPPW is an organizational member of HCAO. Sometimes it takes up to three tries to get a bill through - next time!

HB-2828 — The companion bill to SB-631 that would continue funding the study of which health care plan would be best for Oregon, passed in the Senate 16-14. It was signed by the President of the Senate on 7/13/15, and should be signed by the speaker of the house and the governor. Senator Dembrow (D-23) was the carrier of this bill and did a whale of a job on the senate floor explaining the merits of HB-2828. The money allotted for this study was a mere \$600,000 with no outside money that can be utilized.

HB-3481 — With all the effort to get this bill through, it died in committee upon adjournment. Rep Holvey (D-8) and a UBC member knew going in that it was very broad-based. They hoped to get at least enough money for fire suppression. HB-3481 picked up 19 amendments. This indicates that the bill is dying a slow death or is walking dead. In the end, the log export portion was removed, which didn’t offer anything more to AWPPW.

HB-2588 — Another attempt by Rep Holvey to put a severance tax on the harvest of timber which would have given money to Forest Fire Reserve Fund, Watershed Conservation Grant Fund and administration costs for the Dept. of Forestry. HB-2588 didn’t get a committee work session until July 2nd and died in committee upon adjournment.

HJM-11 — This is the Memorial that urges the federal government to encourage free market principles and enforcement of property rights. Actually, it sounded too good to be true. It never had a committee hearing and died upon adjournment. Many thanks to Rep Whisnant (R-53) and Rep Gomberg (D-10) LU-13

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Pallesen Shares NLRB Info On Social Media

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later, the salesman was fired. The Board agreed with the Administrative Law Judge that the salesman was fired solely for the photos he posted of a Land Rover incident, which was not concerted activity and so was not protected.

In the second decision, issued December 14, 2012, the Board found that it was unlawful for a non-profit organization to fire five employees who participated in Facebook postings about a coworker who intended to complain to management about their work performance. In its analysis, the Board majority applied settled Board law to social media and found that the Facebook conversation was concerted activity and was protected by the National Labor Relations Act.

Results Of Local Elections . .

HIBBS RE-ELECTED LOCAL 1 PRESIDENT

Officers for the new term at Local 1 (St. Helens, OR) are, president - Don Hibbs; vice president - Ralph Fawcett; recording secretary - James Hibbs; financial secretary - Phil Rolph; treasurer - Dave Aklin. Standing committee are Dave Aklin, Mike Harrison, and David Worlitz. The trustees are Jason Aklin, Chris McCartney, and Brad Ruggles. Wage, council, and convention delegates are Mike Harrison and Keith Opdyke.

TIMM RE- ELECTED LOCAL 28 PRESIDENT

Officers for the new term at Local 28 (Sumner, WA) are, president - Jeff Timm; vice president - Del Flint; recording secretary - Billy Ray; financial secretary/treasurer - Curt McClements; trustees - Tyler Hanni, Bill Tucker, Joe Whaley. Standing committee are Jeff Timm, chairman, and McClements and Flint. Delegates are Jeff Timm and Rob Hancher, with Tyler Hanni as alternate.

SINSEL ELECTED LOCAL 13 PRESIDENT

Officers for the new term at Local 13 (Toledo, OR) are, president - Scott Sinsel; vice president - Randy Howard; recording secretary - Willie Worman; financial secretary - Richie Miller; treasurer - John Comstock; trustees - Jason Brooks, Con Chappell, and Pat Brooks. Standing committee are Eddie Larson, Dave Oleman, and Don Cadwallader. Delegates are, wage - Brad Monroe, Howard, and Chappell; and council/convention - Sinsel, Cadwallader, Chappell, and Dan Settlemire.

NORRIS RE-ELECTED LOCAL 89 PRESIDENT

Officers for the new term at Local 89 (Medford, OR) are, president - Rick Norris; vice president - Serge Goureau; recording secretary - Allen Hersha; financial secretary - David Gordon; treasurer - Mitch Lewis. Standing committee are Allen Hersha, chairman, Cory Page, Serge Goureau, and Jeff Harris. At *Rebel* press time, *The Rebel* staff did not have the names of the trustees or delegates but hope to include those in the next edition.

SLATER RE-ELECTED LOCAL 633 PRES.

Officers for the new term at Local 633 (Longview, WA) are, president - Mark Slater; vice president - Bill Sauters; financial secretary/treasurer - Leigh Anna Smith; trustees - Derek Williams, Greg Payne, and Jake Foster. Lowell Lovgren is temporarily serving as recording secretary until the vacancy is filled. Standing committee are, for the paperboard division, Lowell Lovgren, chairman, Eric Cooley and Jake Foster; and, for the ex-



Local 1 (St. Helens, OR) officers present for installation by Area Rep Don Draeger, from left to right, are James Hibbs, Ralph Fawcett, Dave Aklin, and Phil Rolf. See election results, this page, for titles of positions .

truder division, Jeff McGlone, chairman, and Richard Murray. Delegates are, wage - Slater, Lovgren, and Foster; and council/convention - Lowell Lovgren and Bill Sauters.

EASON ELECTED LOCAL 677 PRESIDENT

Officers for the new term at Local 677 (Springfield, OR) are, president - Matt Eason; vice president - Jason Cowles; recording secretary - Michael Woosley; financial secretary - Gene Brock; treasurer - Steve Merfeld. Trustees are Matt Spencer, Asa Carpenter, and Scott Blachly. Standing committee are Cory Matthews, Jim Kupsick, and Woosley; delegates are Matthews and Charles Conard, with one position vacant, pending another election to be held in August.

Attend your union meetings . . vote in your local union elections.



Area Rep Don Draeger swore in these Local 13 officers, pictured in the left photo, at a June 17 union meeting. From left to right are Bill Lettenmaier, Don Cadwallader, Eddie Larson, Con Chappell, Jason Brooks, and Tom Fortenberry. In right photo, the Local 13 officers present for installation by Area Rep Draeger at the July 1st union meeting, from left to right, are John Comstock, Scott Sinsel, Wille Worman, and Dave Oleman. Election results listing positions held are shown above on this page.



. . Announced, Officers Installed



Local 677 (Springfield, OR) officers present for installation by Area Rep Don Draeger, from left to right, are Michael Woosley, Gene Brock, Jason Cowles, Corey Matthews, Scott Johnson, Steve Merfeld, Joe Bonebrake, Charles Conard, and Matt Eason. Election results listing positions held are shown on Page 4 (opposite).

Local Election Notice

NOTE: The following local union officer election notice covers nominations/elections of President, Vice President, Recording Secretary, Financial Secretary, Treasurer, Trustee, Standing Committee, and Delegates for AWPPW Conventions, Wage, and Councils. Any exceptions or additions will be noted in the individual local union's notice.

LOCAL 60 — NEWBERG, OR

Will hold nominations for officers and guards at the August 13 and August 27, 2015, regular union meetings at 6:00 p.m.

Voting will take place at the mill main gate on October 9 and October 22, 2015, from 5:30 a.m. to 9:30 a.m. and 4:30 p.m. to 8:30 p.m., both days.

Ballots will be counted right after final close of polls on October 22nd at the Local 60 union hall at 2414 Portland Road, Suite C, Newberg.



New members at Local 422 (Usk, WA) are pictured being administered the members' oath by President Jim LeBlanc, far right. These new members, from left are Russ Fulton, and next to him is Mark Stewart.

Sullivan Recaps Status Of Legislative Bills

(Continued From Page 3)

for listening and doing the right thing by not pursuing this memorial. Whisnant asked the committee chair not to hear it. Gomberg did the same and actually had his name removed from it.

HB-2764 — This bill will make it easier for injured workers to find adequate legal representation while they fight with doctors, insurance adjusters, bill collectors, vocational rehabilitation, and the like. The workers comp system can be a real nightmare. It can be difficult for an injured worker to find a lawyer. This bill rewards lawyers who win the case for injured workers by requiring insurance companies to pay steeper fees and costs when they are caught short-changing a worker. Under current law, there are too many times when the injured worker's lawyer should be paid by the insurance company, but instead the legal fees come out of the injured worker's pocket.

HB-2764 — provides incentives for insurance companies to get payments to workers the first time. The way the current system works now it makes it tough to attract lawyers on work comp. There are fewer than 100 attorneys who specialize in helping injured workers, while there are 1.7 million workers covered by Oregon's worker comp system. Young lawyers with hundreds of thousands of dollars in student debt are scared away from this field, even if they have it in their heart to fight for injured workers.

HB-2662 — This is a Pay It Forward Program (PIF). PIF is a system of financing post-secondary education without paying tuition or fees up front. The student signs a binding contract to pay the State of Oregon or the institution a certain percentage of adjusted annual income for a specified number of years after graduation. This will allow students to learn now and pay for it later when their incomes are steady. This good bill unfortunately died in committee upon adjournment.

SB-454 — Is a paid sick leave bill. An identical bill, HB-2005, died in the House. Although SB-454 will become law 1/1/16, there is a lot of grey area. Even with a bargaining agree-

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Skills Gained With Expert Training



Area Rep Don Draeger conducted a shop steward class for Local 1 (St. Helens, OR) on June 25 and 26. From left to right are Mike Harrison, Chris McCartney, and David Aklin.



Shop Steward training conducted at Local 60 (Newberg, OR) on June 10th by Area Rep Bill Martello was attended by, from left to right, Jason Love, Ricky Nelson, and Daniel Cummins.



Shop Steward training at Local 60 (Newberg, OR) on June 11th, taught by Area Rep Bill Martello, was attended by, from left to right, Tyler Berg, Forrest Crosby, and Christian Davis.



Shop steward training conducted June 9th at Local 60 (Newberg, OR) by Area Rep Bill Martello was attended by, from left to right, Dan Hatcher, Vice President; Greg Wilson, Standing Committee Chairman; and Audie Fergus, Isaiah Rinkes, and Mike Dubal.



Area Rep Bill Martello conducted a two day shop steward training class at Local 78 (Portland, OR) on June 22nd and June 23rd. Pictured are those who attended, from left to right, Vice President J.D. Gibbens, who is also the Chief Steward; Michael Schiess; Keith Kim; Alan Kirkwood, Standing Committee Chairman; Jeff Frazier; and Robert Wade.

Reminder . . . AFL-CIO Summer School, August 7 - 9 U of O Campus, Eugene, Oregon

The Labor Education and Research Center (LERC) of the University of Oregon has sent a reminder that anyone still wishing to attend this session must register right away. The courses and workshops are filling up fast, and some are already full.

At *Rebel* press time, Core Courses still available are: "To Organize and Fight", "Bargaining to Raise Standards", and Effective Teaching & Facilitation Techniques.

Workshops still available are: • Barriers to Employment, • Managing Social Media, • Labor at the Movies, • Workers Comp, • Duty of Fair Representation, • Effective Labor Management Committees. Hurry and contact LERC at (541) 346-5054 if you want to get in.



25th Annual

Western Pulp, Paper, & Forest Products Safety & Health Conference

Partners in Safety – Steering Toward the Future

December 1-4, 2015

Red Lion Hotel on the River – Jantzen Beach • Portland, Oregon

Your nomination is important!

Nominate individuals, teams, and organizations for a 2015 Western Pulp, Paper, & Forest Products Safety & Health Conference award. Award categories are listed below. Awards will be presented during a dinner ceremony on December 2 at the conference. If you've nominated someone in the past, and they were not selected, we encourage you to submit their nomination again.

Pulp, Paper, & Forest Products Industry Award Categories

Employer

Manager of the Year

Safety Advocate

Safety Professional

Safety Committee/Team

Supervisor of the Year

Local Union

Life Saving

Contractor

*Applications must be received by
August 14, 2015*

Nomination forms can be found on the Pulp, Paper, & Forest Products Conference web page at:

www.oro-sha.org/conferences

If you have questions or need clarification on the nomination process, please call: the Conference Section at 503-378-3272, or toll-free at 888-292-5247, option 1, or e-mail oregon.conferences@oregon.gov

NOTE: If your nominee is selected to receive an award, you will be contacted by the committee and asked to provide a photo of the award recipient.



The Rebel

Publication of the
Association of Western
Pulp and Paper Workers
Your union for today . . . and tomorrow.

Remember the
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September 7, 2015

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Sullivan Recaps Status Of Legislative Bills

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ment in place, there are provisions of the bill that the employer will have to comply.

In fact, there is so much gray area that Sen Bates (D-3) Lu-89 has stated that when the Oregon Legislature convenes for the short five week session in February 2016, he as Chair of the Joint Subcommittee on Human Services will reconvene his committee to deal with the ambiguities of the Paid Sick Leave. I have put in calls to the Bureau of Labor and Industries (BOLI). BOLI told me they are now in the process of rule-making for SB-454. Then there will be "very open" public hearings on it. I will get out the updated information when available.

Odds and Ends:

There were no harmful bills on water quality. However there may be rule making from the Department of Environmental
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Quality down the road. There will be updates of bills that have become law... etc. I will give updates in *The Rebel* and at the Area Council Meeting in September.

In all, the session started off with a bang, very fast. I asked around to others who work during the session — politicians, committee staff, and other lobbyists — and almost all agreed, this was the oddest of sessions. The Democrats took their majority of both chambers and forced some things through like any majority can do. They did some very good things, but ill feelings left by the SB-324/Clean Fuels Program may make the 2016 session full of grid lock. We shall see.

As always, you can contact me at 971-237-3125 or at msullivan@awppw.org to discuss any of the foregoing.

— Mike Sullivan
Oregon Political Director, AWPPW