



USW Local 2-21 Committee Members

		Work	Cell
President	Gerry Kell (D)	233-2546	869-7943
1 st Vice	Jim Gunderman (Days)		553-1699
2 nd Vice	Vic LaCosse (D)	233-2549	241-2907
Chief Steward	Jamie Dier (B)	233-3180	280-2373
Chief Steward	Justin Gorzinski (D)	233-2215	399-9329
Treasurer	Guy Trudell (C)	233-2534	399-9143
Secretary/Comp	John DeGrand (Days)	233-2377	420-2220

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<https://pacelocal21.proboards.com>**

Women of Steel Update
Donna Dams, WOS Chair

Blanket, Pajama, and Card Drive

Now through December 22nd the Women of Steel are looking for new pajamas and blankets to be donated to local nursing homes, VA Hospital, and assisted living homes. Donations can be dropped off in the Union office at the mill or by contacting Donna Dams, USW Local 2-21 WOS Chair, at (906) 282-3430 or at work (906) 233-2782.

Due to COVID-19, we will not be able to meet in person this year to make blankets. We still need your help though. In October, the labor movement lost a decades-long advocate with the passing of Doreen Stein, former nurse at Pinecrest Medical Facility in Powers. In her honor, we would like to make personal homemade cards for those in nursing homes who are also currently isolated from family and friends due to the global pandemic. All paper will be provided for you and your family to make these heartfelt cards. Please contact Donna Dams to help.

Also our own WOS Retiree, Dawn Labre, made one for every single resident of Pinecrest Medical Facility!



Special thank you to Mrs. Robinette’s Kindergarten class at Bark River Harris School for already donating nearly 100 cards.

Caroling

We will be caroling on December 17th at local nursing homes. If you and your family are interested, please meet at the Union Hall at 1:30 pm. Please be sure to wear a mask and dress accordingly for the weather.

Strike for Hunger

Thank you to everyone that donated time, money and items to the WOS Strike for Hunger, it was another huge success. We were able to raise \$9,200 and gather 3,000 lbs worth of goods to be donated to local food pantries. We are looking to move the Strike for Hunger to September for 2021 in hopes that more people will be able to volunteer.



It Has Been a Year...

Gerald Kell, President

It's been awhile since we've published a newsletter. Another casualty of the overwhelming workload that we've endured this year I suppose. It arguably could've fell to the wayside just from the extensive amount of grievances, arbitration prep, informational campaigns, and committee position changes alone, but 2020 wasn't going to let us off that easy as it slammed us with a global pandemic to navigate as well. Like many of you reading this, I would take a reset button back to normal any time now. Every week seems to bring a month's worth of new battles and just when it feels like we are beginning to resurface, another wave.

We began the year facing a possible hostile take-over from Atlas Blue Wolf and fighting Verso's illegal contracting of our work which resumes today. After a rash of hiring in 2019, the pandemic rushed in temporary layoffs and a halt to training across the mill. We scrambled to keep people working while simultaneously trying to ensure their safety as we received our formal "essential employees" designation. It's no doubt we've been knocked around a bit with lack of order downtime, curtailments, and a looming recession. Hell, we even lost our bridge! But we also showed solidarity in our successful campaign for Quarantine Pay that has now saved our members tens of thousands (and counting) in lost wages. We have defended our contractual language during LOO downtime to prevent dozens of members from being laid off throughout the year. Our perseverance has been shown with the quick adaptation to ever-changing policies surrounding the unknowable impacts of a novel virus. We stayed operational 24/7 while others were forced to close their doors. This isn't our first time experiencing the throes of a tumultuous market, and it likely won't be the last but it's easy to get hung up on all the doom and gloom. When things aren't going well, acknowledging anything positive can come across as naïve or dismissive. We'll carry some of our problems into 2021 and naturally face new ones, but we can also anticipate a market rebound once we get a handle on this pandemic. We can celebrate the \$5,000,000 capital investment taking place in E1 with additional projects anticipated. For some inspiration, we can look to our sisters at Bishop Noa Home who proudly reaffirmed their desire to be Steelworkers despite a years-long battle with the

Home's administration just to secure their first contract. Let's take pride in the wins we've garnered through the year and then recognize how little of that would've been possible without a seat at the table, without our collective union. Ultimately, the ups and downs are inevitable and we'll certainly experience failures alongside success, but it's important that we remain focused and not give up the fight.

Spring Elections

Each position on the Union Committee will be up for election in 2021 with nominations in March and the election in April. All positions are on the ballot every 3 years, per Article VII of the Elections Manual. We hope to be able to have these meetings in person by then but will have a plan in place to permit all members a way to nominate and vote should in-person not be available.

The positions are as follows:

- **President**
- **1st Vice**
- **2nd Vice**
- **3rd Vice**
- **Recording Secretary**
- **Treasurer**
- **Insurance/ Retirement Specialist**
- **Three Trustees**
- **Inner Guard**
- **Outer Guard**

Step 7 Overtime

Jamie Dier, Chief Steward

One of the banes of our Local for the last 20+ years has been mill trainees being deprived of overtime when they work their day off. For too long Human Resources has used the excuse, “mill trainee is not following a crew” so they were not eligible to receive overtime because they were told they did not have any scheduled days off. This has always been a ridiculous argument. Unfortunately, the Utility Reliefs added a couple years back were also being subjected to this nonsense. Whether or not someone follows a crew only applies to where in the vacancy procedure they are called. It has been our contention that anything besides Step 1 should be paid overtime. We filed 5 grievances on this matter with the first being filed in March. Every single grievance meeting since has been a battle to get the Company to admit they had been handling this wrong for years. We kept asking for a definition of a day off, and they could not provide an answer to this remarkably simple question. With that being said, we are happy to report that we have come to an agreement with the Company to settle those grievances and from this point forward, overtime will always be paid for vacancies filled at Step 7. This is a big win for the Union because we were able to overturn years of past practice with this agreement. The language is as follows:

The Company agrees to the following regarding filling vacancies and paying overtime for employees working on their day off in the following manner: This procedure will apply to employees working in the Trainee Pool or in a Utility Relief Position.

- *Vacancies filled at Step 1 of the process will be considered as part of the working schedule for the trainee pool and the utility relief position and will be paid at straight time.*
- *If the vacancy is filled at Step 7 of the process with a team member from the trainee pool or in a utility relief position and this would have been their day off, the Company will pay time and 1/2 for working the vacancy.*

I know this can be confusing to newer employees, so if you have any questions regarding your schedule or pay, please contact a steward.

LOO Staffing

Justin Gorzinski, 3rd Vice

There has been a substantial amount of lack of order (LOO) downtime throughout the mill this past year. With that comes many staffing issues. I'm sure many of you reading this have been affected in one way or another. One area in particular I'd like to share is the PS&D department. When a paper machine system goes down it obviously reduces the amount of paper that goes out the door and, in response to that reduction, management decides to staff fewer employees in the PS&D. They should've learned after previous LOO events to keep the department fully staffed to properly meet the demands of the mill, but since they are so eager to get bodies out of the mill in any way possible they ended up calling in PS&D employees for extra help every day of the down. Essentially they bumped employees on straight time out of the department, and then had to pay overtime to call people in on their days off. Not only does this not make any sense at all from a production or fiscal standpoint, it also violates Article 12 of our contract. I would like to thank the members of that department for recognizing the violations and bringing attention to it, so it could be corrected. This is just one of the issues that arise daily throughout the mill, and it's nearly impossible for the committee to keep up without the help of members on the floor. Always be aware of what is happening around you, and if something seems wrong, don't be afraid to reach out to a steward or committee member.



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Yard Department Cuts

Jim Gunderman, 1st Vice

Verso has decided to start contracting out a majority of the Yard Department. We have grievances filed on every job so far and those grievances are at step 3 of the grievance process. We lost the Janitor Contracting arbitration by a terrible decision. Unfortunately we can only move on and keep fighting the violations. The only silver lining in the arbitration I believe, is that during Kenny Sawyer's (former Verso HR VP) testimony, although largely comprised of bullshit, he does state that shipping is core work. So I have amended the Spotter, and Switch Crew grievances to reflect that point. While trying to discuss this with the current HR manager, I have asked him direct questions and he just refuses to answer. This guy is going to be a treat to deal with. He apparently makes few decisions on his own and needs corporate to do the thinking for him.

Due to this Company's lack of regard for following the intent of the language they've bargained, there have been endless rumors circulating about other contracting including that the Woodyard would be contracted out. However, that is absolutely core work (also identified in the testimony and bargaining) and would be very difficult to contract. The mill manager, who has no ties to the mill or community, has stated he intends to contract out anything that is not core work. I want **everyone** to remember this when you go out of your way to help out management and companies coming in here to take our jobs. We need to get better as a union to look out for violations, instead of watching something and doing nothing until it affects us personally.

"We must learn to live together as brothers or we are going to perish together as fools."

-- Martin Luther King, Jr.

Slight Move

Steve Benoit

The USW Bishop Noa Bargaining Committee met with the Home Administration to bargain for the Support Staff on November 23rd.

Proposals put forth by the UNION:

1. Extend the workday so workers would not lose money due to the lunchbreak change.
2. Proposed Holiday Pay remain the same as is now.
3. Union accepted the Paid Time Off language.
4. Under discipline and discharge – The Union remained at the point that a Union contract cannot have "At Will" in it. The home must be a "Just Cause" workplace.
5. The Union remained with proposed raises over the next few years along with a \$1,000 bonus. Proposed that there be no Max Hourly Pay Rate.
6. Proposed that the Laundry Aides be grandfathered.

Administration countered with:

1. Deny – They feel workers are not doing any more work at this time and should not receive a paid lunch. They are not essential.
2. Deny – Feel workers should not be paid on holidays, while the rest of the industry is.
3. Tentative Agreement – no thanks to the HOME ADMINISTRATION, this was a move on the Union's part to make negotiations move along.
4. Deny – The Home wants the right to fire workers whenever they want without cause.
5. Home rejected the Union's proposal but went up slightly on their wage proposal.
6. Deny – want all Housekeepers and Laundry to be interchangeable employees.

Future bargaining dates are being discussed.

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— *Deserve* —
PROTECTION**

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CONTRACT
NOW!**

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UNITY AND STRENGTH FOR WORKERS

More Excessive Discipline

Vic LaCosse, 2nd Vice

It's no secret that Verso will push beyond their rights in an attempt to make an example out of our members. In doing so, very good people who have been dedicated employees for many years often get caught up in their stunts. This company does not like dealing with a membership that has a backbone and who is not afraid to speak their mind. The membership is strong, always has been and always will be. That attitude comes along with a tremendous work ethic and a ton of passion for our jobs because no matter how terrible things may be we still care about what we do and take pride in our jobs.

As most of you may know, during the end of our annual outage there was an incident between a veteran member of the Boiler House and supervision who was new to the area. It all started from a mask compliance dispute but then was unnecessarily escalated by Management. This member of 30 plus years had zero idea who the individual was and why he kept badgering him to put on a mask while he was working by himself. He also asked this individual to keep his distance so the mask wouldn't be needed. Instead, the supervisor proceeded to walk closer and further escalate the situation by insisting that our member put on a mask despite the member having no idea who he was. Ultimately, the member—still unaware of who this person is giving him commands—told the guy to get the “f” away from him. Start-ups right after a big outage can be frustrating on their own and Management stoking the fires of a heated situation do not help. Without sharing the entire conversation, this is basically the meat and potatoes behind it.

This resulted in a weak suspension due to reprimands revolving around abusive language and insubordination. Now how can a member get an insubordination if he doesn't even know he's the subordinate? At no point did this supervisor tell the employee who he was or that he was the new supervisor of the area. The supposed abusive language was just swearing and was provoked by supervision. And remember we do work in a paper mill, there is a lot of shop talk, there are heated discussions on occasion, but apparently some of the new supervisors have sensitive ears and don't like to hear anything beyond, “Yes, Sir.” Sorry, but this is not Sunday School it is a factory. Hell, I say hi by saying “Hey f*\$#er”. It may not be politically

correct, but that's who I am and that's how I talk. It's became very apparent over the last couple months that new supervision and new people in HR don't like being talked to in such a manner. This hasn't been their only attempt to use the abusive language reprimand either and similar to the other situations, it's not abusive language by any definition, it's just swearing. It's all just another power and control game by this company and the excessive discipline is an emotional response by a supervisor rather than the established reprimand for refusal to wear a mask. I am proud of this membership for their willingness to speak up and speak their minds no matter what color hat a person wears. I will end this with saying we will pursue the discipline to the member as far as we possibly have to and it is currently on the path to arbitration.

Workers Comp

John DeGrand, Secretary

I know everybody has heard this many times, but I cannot stress how important it is that we do not get hurt at work. If something you are doing feels unsafe or you see someone doing something that is unsafe, stop the job and question it. The safety card is one we can use at any time without fear of repercussions if we have a valid concern. Even if you are unsure, you have the right to stop and ask the question or get a safety advocate involved. Most people rightly assume that if they get hurt while doing their job, they will be taken care of. That is not the case with Verso. They appear to see their employees as disposable and not worth taking care of once they are damaged. I believe that is because Verso has a self-funded workers compensation program, and they hire a third-party administrator to manage it. They do not carry a worker's compensation insurance policy like most businesses so when an employee gets hurt, they must pay the expenses out of pocket. Because of this the company has taken a “deny and push to trial” approach to all workers compensation injuries and claims recently. They have a lawyer from downstate handling everything now and he is refusing to negotiate on anything. In the mediations he simply states they are not moving from their position and that it is not work related, forcing everything to the next step which is trial in front of the magistrate. At this point it is very difficult for anyone to proceed without an attorney as

any medical records need to be submitted to the courts through the evidentiary process which is very complicated and any doctors testimony must be taken through the witness deposition process or the judge will not even look at it. Right now, we have at least a half dozen members who have gotten to this point. The way Verso's compensation claims administrator (Gallagher Bassett) handles the claims is to say the injury is not work related and then send them to a "strip mall" independent medical examiner (IME) to state the same thing without a thorough examination or tests. Many of the cases are not large enough for a lawyer to take on without a sizable retainer. Some of them are under \$10,000 and this is mainly medical bills and lost wages. Most have had these bills put on their private insurance even though it was a cut and dry, well documented work injury. This happens because the company denies it was work related or drag their feet on paying the bill until the hospitals get sick of waiting and bill the individuals and their private insurance. Some of our members have ongoing medical issues from their work injuries and are still unable to get treatment. Several have gotten the treatment they required but ended up with several thousand dollars worth of bills that Verso refuses to pay. In these cases, Verso has paid their lawyer more to push these cases to a trial than it would have cost them to pay their legal obligation. None of these cases are questionable as to whether or not they happened at work either. In one instance the employee was hauled out of the mill by the LPO's and brought to the emergency room where he was met by the mill's safety manager. After several months, the mill stopped paying for his treatment and wages and said it was not work related. Verso is abusing our members by exploiting the fact that unless they are willing to spend thousands of dollars on a lawyer they will never even get their day in court and Verso will get away with not paying for the medical treatment of employees injured while at work which under current workers compensation law they are clearly liable for. I know the majority of our members take pride in their jobs and go above and beyond in their daily tasks but everyone needs to remember that if they get hurt while just "trying to get the job done", the company is going to go "above and beyond" when trying to get out of paying for it.

Stewards Needed

Jamie Dier, Chief Steward

It is now more important than ever to have a strong Union presence in the mill. This is achieved many ways. One such way is to have a robust stable of stewards. There are many areas in the mill that are woefully underrepresented. Stewards are important for many reasons. As a Union steward, you are Local 21's representative in the workplace; you are the Union, just as the supervisor is the Company. For some, you may be the only contact with the Local. Writing grievances is only a small part of a steward's duties. A Union steward is an organizer, an educator, a mobilizer, a sounding board, a communicator, and a defender of the workers' rights on the job.

Now that I have thoroughly discouraged you from signing up, let me tell you about the perks. In return for your tireless dedication you will receive \$435 at the end of the year as a partial reimbursement of your dues provided you attend at least four Union meetings. Due to ongoing pandemic, that is difficult right now but hopefully will turn around soon. We also hope to resume our monthly stewards' meetings for which you are paid to attend as well. On top of all of that, you will receive a couple of fancy T-shirts, a pocket calendar and other "swag". Not to mention the undying respect of your coworkers, friends, and family. Okay, maybe I am overstating that a tad. We will be looking to do more training of the stewards in person as well as utilizing the USW's virtual education programs. Becoming a steward is a good way to dip your toe in the water of becoming more involved. If this interests you, please sign up in your area. Remember, you don't have to know everything about the contract to be become a steward, just willing to learn and ask questions. There should be steward sign-up sheets throughout the mill, otherwise contact a committee member.



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Employer of Choice

Jim Gunderman, 1st Vice

Most of us know that one of the “do-rights” according to Verso is to “get and keep qualified employees.” The funny thing is they apparently only want employees that have no life outside of the mill. If you have a family they **do not care about you or them**. They have a habit of talking the talk but not walking the walk. If your child or spouse has a medical issue, they force you to go through the FMLA process for everything rather than some common human decency. The kicker is that a third party then determines your eligibility, so if they deny you then, what happens? Once again I cannot get an answer to that simple question. The scary thing in all of this is that they think they are doing you a favor by not firing you for having a sick child. When I say sick kid, I am not talking about a kid with a cold, I am talking serious medical conditions that the Company will punish you for attending to including medical appointments—including emergencies. I know this from personal experience. But rest easy as I was told they would take the doctor’s notes and put them in my file, so they could use them later as a possible excuse not to fire me. How kind is that? Right when an employee is dealing with something devastating they get told by these uncaring people that you could be fired for being there for your kids. I have had two members’ wives go into labor, but the baby wasn’t born until two days later so they both received a checkmark for attendance. “Why?” Because FMLA doesn’t kick in until the baby is born. So this “employer of choice” wants you to leave your wife in labor to go to work. I went to HR to get the checkmark taken away. Like myself, I bet you assume this to be a ten minute discussion. But then we would have forgotten who we are dealing with. At one point the HR person didn’t like my attitude and decided he wasn’t taking the checkmark away no matter what. That’s the arrogance we deal with. He then said that he would take the doctor’s note and put it in the employee’s file and use it later if it came to a reprimand. Think about that, the man was with his wife in the hospital. I can’t believe the treatment of their own employees. So much for their “do-rights.” This is the attitude of the people we will be dealing with in our next contract negotiations. We will need everyone to do their part no matter how small or inconsequential they might think it is. You are the Union and it is only as strong as its members.

Vacation Pay

Justin Gorzinski, 3rd Vice

Most are aware, but for those who are not, our weekly vacation allowance is based off 2% of the last calendar year’s gross income excluding any bonuses. This has been the past practice for many years. Article 24. Vacation Plan reads “2% of the employee’s gross earnings during the calendar year immediately preceding their vacation but excluding any vacation pay allowance and bonuses received.” The Company has notified us that beginning January 1st they will begin following the language of the contract, rather than paying our members like they have been in years past. For example, if an employee has four weeks of vacation, those four weeks of earnings from vacation pay this year will not be part of their gross income when calculating vacation pay for next year. This is being grieved based on past practice. This is a shot to the wallet of every employee, especially those who have committed enough years of service to have multiple weeks of vacation. It goes to show how this company feels about its employees, and how the well-deserved time off we’ve worked for is being undermined just to save a couple bucks.

Past Practice

Vic LaCosse, 2nd Vice

Past practice, in labor law, refers to a practice that has been recognized and accepted by the parties and used several times in the past. It is sometimes the last resort for dealing with a grievance. Past practice is to be used as a definition of accepted behavior only by arbitrators to resolve a grievance when contract language is ambiguous or contradictory. Such practice does not have to be written down in the labor agreement, but can arise on the basis of regular, repeated action, or inaction. Generally, the existence of the four following factors will indicate that a "past practice" exists:

1. The practice was clear and applied consistently.
2. The practice was not a special, one-time benefit or meant at the time as an exception to a general rule.
3. Both the union and management knew the practice existed and management agreed with the practice or, at least, allowed it to occur.
4. The practice existed for a substantial period of time and it had occurred repeatedly.