

<u>Exhibit</u>	<u>Description</u>
A	CHARGE AND AMENDED CHARGE IN CASE NO. 29-CA-206244
B	COMPLAINT AND NOTICE OF HEARING
C	ISAZA AFFIDAVIT
D	ISAZA 2014 PERFORMANCE APPRAISAL
E	JUNE 7, 2017 LETTER FROM ISAZA RE: UNIONIZING
F	JUNE 8, 2018 EMAIL FROM GREENWOOD
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H	JUNE 2017 RESPONDENT INTERNAL EMAILS RE WAGE INCREASES
I	JULY 28, 2017 WRITTEN WARNING
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P	SEPTEMBER 8, 2017 REQUEST TO TERMINATE ISAZA
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R	ROB SOLANO DISCIPLINARY RECORDS
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U	NOVEMBER 6, 2017 RESPONDENT POSITION STATEMENT
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W	NOVEMBER 21, 2017 RESPONDENT POSITION STATEMENT

EXHIBIT A

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case
29-CA-206244

Date Filed
9/15/2017

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer
Thermo Fisher Scientific

b. Tel. No. (631)467-3900

c. Cell No.

f. Fax No.

g. e-Mail

h. Number of workers employed
140

d. Address (Street, city, state, and ZIP code)
2800 Veterans Memorial Hwy,
Bohemia, NY 11716

e. Employer Representative
Bob Scarth, General Manager

i. Type of Establishment (factory, mine, wholesaler, etc.)
Printing Facility

j. Identify principal product or service
Pharmaceutical Labeling

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3), (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since about June 8, 2017 and continuing, the Employer has retaliated against me by more-closely scrutinizing my work, unfairly disciplining me, and disregarding my complaints of harassment because of my organizing and union activities. I was terminated September 14th, 2017 after collecting a sufficient amount of union cards to call an election.

Additionally, the Employer has discriminatorily granted raises to employees in response to union activity.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Herman Isaza, An Individual

4a. Address (Street and number, city, state, and ZIP code)
4 Jeanine Ct., Dix Hills, NY 11746

4b. Tel. No. 631-988-4944

4c. Cell No.

4d. Fax No.

4e. e-Mail
herman.isaza@gmail.com

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

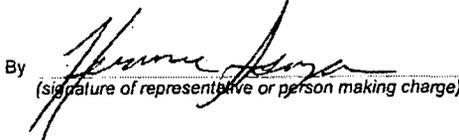
Tel. No. 631-988-4944

Office, if any, Cell No.

Fax No.

e-Mail

herman.isaza@gmail.com

By 
(signature of representative or person making charge)

Herman Isaza, An Individual
(Print type name and title or office, if any)

Address 4 Jeanine Ct., Dix Hills, NY 11746

9/14/2017
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 29-CA-206244	Date Filed 10/6/17

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Thermo Fisher Scientific	b. Tel. No. (631)467-3900
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 2800 Veterjans Memorial Hwy Bohemia, NY 11716	e. Employer Representative Bob Scarth, General Manager
	g. e-Mail
	h. Number of workers employed 140
i. Type of Establishment (factory, mine, wholesaler, etc.) Printing Facility	j. Identify principal product or service Pharmaceutical Labeling
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3), (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) First Amended Charge. Since about June 8, 2017 and continuing, the Employer has retaliated against me by imposing more onerous working conditions (including sped up pacing schedules), unfairly disciplining me, issuing me unfavorable appraisals, disregarding my complaints of harassment, and terminating me, because I engaged in protected concerted activities and union activities, in violation of Sections 8(a)(1) and (3). Additionally, the Employer has discriminatorily granted raises to employees in response to union activity, in violation of Sections 8(a)(1) and (3).	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Herman Isaza	
4a. Address (Street and number, city, state, and ZIP code) 4 Jeanine Ct., Dix Hills, NY 11746	4b. Tel. No. (631)988-4944
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail herman.isaza@gmail.com
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) n/a	
6. DECLARATION	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By  (signature of representative or person making charge)	Herman Isaza, an individual (Print/type name and title or office, if any)
	Tel. No. (631)988-4944
	Office, if any, Cell No.
	Fax No.
	e-Mail herman.isaza@gmail.com
Address 4 Jeanine Ct., Dix Hills, NY 11746	10/6/17 (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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EXHIBIT B

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 29**

THERMO FISHER SCIENTIFIC INC.

And

Case 29-CA-206244

HERMAN ISAZA, AN INDIVIDUAL

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Herman Isaza, an individual (Isaza). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Thermo Fisher Scientific Inc. (Respondent) has violated the Act as described below.

1. (a) The charge in this proceeding was filed by Isaza on September 15, 2017, and a copy was served on Respondent by U.S. mail on September 15, 2017.

(b) The first amended charge in this proceeding was filed by Isaza on October 6, 2017, and a copy was served on Respondent by U.S. mail on October 10, 2017.

2. (a) At all material times, Respondent has been a domestic corporation with an office and place of business in Bohemia, NY (its Bohemia facility), and has been engaged in the design, manufacture, and nonretail sale of clinical trial labels for the pharmaceutical and biotechnology industries.

(b) In conducting its operations during the 12-month period ending November 30, 2017, which period is representative of its operations generally, Respondent sold and shipped

from its Bohemia facility goods valued in excess of \$50,000 directly to enterprises located outside the State of New York.

(c) At all material times, Respondent has been engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

3. (a) Printing Pressmen of Clintrak ("the Union") is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, and terms and conditions of employment.

(b) At all material times, based on the facts described above in paragraph 3(a), the Union has been a labor organization within the meaning of Section 2(5) of the Act.

4. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

- (a) Bob Scarth - Vice President and General Manager
- (b) Kevin Greenwood - Associate Director of Production Logistics
- (c) Abid Rasul - Coding Production Manager
- (d) Stephen Foster - Second Shift Supervisor
- (e) Kia Christian - Vice President of Human Resources
- (f) Darlene Lombardo - Human Resources Business Partner
- (g) Michael Timlin - Lead Onsert Press Operator

5. On about the dates listed below, Respondent has taken the following adverse actions against its employee Isaza:

- (a) since about June 8, 2017, imposed more onerous working conditions by increasing his workload;
- (b) on or about July 28, 2017, issued a written warning;
- (c) on or about August 7, 2017, issued a final written warning;
- (d) on or about August 16, 2017, issued an unfavorable mid-year performance appraisal;
- (e) on or about August 23, 2017, issued a final written warning;
- (f) on or about September 14, 2017, discharged Isaza; and
- (g) since about September 14, 2017, Respondent has refused to reinstate or offer to reinstate Isaza to his former position of employment.

6. In about August and/or September 2017, the precise date(s) being presently unknown, Respondent granted its employees mid-year wage increases in response to the Union's organizing campaign.

7. Respondent engaged in the conduct described above in paragraphs 5 and 6 because Isaza engaged in activities in support of the Union and engaged in protected concerted activities, and to discourage employees from engaging in these activities.

8. By the conduct described above in paragraph 6, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

9. By the conduct described above in paragraphs 5, 6 and 7, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act

10. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

REMEDY

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraphs 5 through 10, the General Counsel seeks an Order requiring Respondent to reimburse Isaza for reasonable consequential damages incurred by him as a result of Respondent's unlawful conduct.

FURTHER as part of the remedy for Respondent's unfair labor practices alleged above in paragraphs 5 through 10, the General Counsel seeks an Order requiring that, at a meeting or meetings scheduled to ensure the widest possible attendance, an agent of Respondent reads the Board-ordered Notice to Employees in English and during work-time in the presence of a Board Agent and in the presence of a representative of the Union. Alternatively, the General Counsel seeks an Order requiring that Respondent promptly have a Board Agent read the Notice to Employees at a meeting or meetings scheduled to ensure the widest possible attendance during work-time in the presence of Respondent's supervisors and agents identified above in paragraph 4 and in the presence of a representative of the Union. The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

FURTHER as part of the remedy for Respondent's unfair labor practices alleged above in paragraphs 5 through 10, the General Counsel seeks an Order requiring that Respondent provide to the Union the names, addresses, phone numbers and email addresses of all non-supervisory employees working at Respondent's Bohemia facility.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before December 21, 2017, or postmarked on or before December 20, 2017.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules

and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

Any request for an extension of time to file an answer must, pursuant to Section 102.111(b) of the Board's Rules and Regulations, be filed by the close of business on December 21, 2017. The request should be in writing and addressed to the Regional Director of Region 29.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on March 6, 2018 at 9:30 AM in a hearing room located at Two Metro Tech Center, Fifth Floor, Brooklyn, New York, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: December 7, 2017



KATHY DREW-KING
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 29
Two Metro Tech Center
Suite 5100
Brooklyn, NY 11201-3838

Attachments

EXHIBIT C

Confidential Witness Affidavit

I, Herman Isaza, being first duly sworn upon my oath, state as follows:

I have been given assurances by an agent of the National Labor Relations Board (NLRB) that this Confidential Witness Affidavit will be considered a confidential law enforcement record by the NLRB and will not be disclosed unless it becomes necessary to produce this Confidential Witness Affidavit in connection with a formal proceeding.

I reside at 4 Jeanine Ct., Dix Hills, NY 11746

My home telephone number (including area code) is

My cell phone number (including area code) is 631-988-4944

My e-mail address is herman.isaza@gmail.com

I was employed by Clintrak Clinical Labeling Services, a subsidiary of Thermo Fisher Scientific, located at 2800 Veterans Memorial Hwy, Bohemia, New York 11716.

1. I began working for Clintrak Clinical Labeling Services, a subsidiary of Thermo Fisher Scientific ("Employer") on or about August 4, 2014. The Employer is in the business of creating labels for clinical drugs. I interviewed with Bob Fisher, and Fisher told me I was hired. I don't know Fisher's job title (his job title has since been eliminated), but he supervised the press department. When I first started working for the Employer, my job title was Booklet Press Assistant (3rd Shift), within the Press Manufacturing Department. I worked in the Booklet Press Assistant position for about three to four months. While working as a Booklet Press Assistant, I was paid approximately \$20.90 per hour (\$19/hour plus a 10% differential for working the night shift), and my duties were to assist the Pressmen on the press by mounting plates, getting paper, filling out forms, etc. After three to four months, the Employer promoted me to Reorientation Specialist (3rd Shift), within the Production Logistics Department. While working as a Reorientation Specialist, was paid approximately \$22 per hour (\$20/hour plus 10% differential). In the Reorientation Specialist position, I worked independently on my own reorientation

machine; I took booklets from fanfold form and transferred it to roll form. After approximately one year, I was promoted to Coding Specialist AZ Operator (3rd Shift), within the Production Logistics Department. While working as Coding Specialist AZ Operator, I was paid approximately \$24.24 per hour (\$22.04 plus 10% differential). In the Coding Specialist AZ Operator position, my duties were to work independently on an AZ (Atlantic Zeiser) Machine to print coding (such as unique patient information) onto labels for drugs used in clinical trials. I worked as an AZ Operator for approximately eight or nine months. After about eight or nine months, in or around September 2016, the Employer promoted me to Onsert Press Operator, within the Production Logistics Department. While working as a Coding Specialist Onsert Press Operator, I was paid approximately \$28.07 per hour (\$25.52 plus 10% differential). In the Coding Specialist Onsert Press Operator position, my assistant (Onsert Assistant Timothy Kitson) and I created digital labels for clinical drugs using the ABG Onsert machine. Kitson and I had previously worked alongside one another in the Reorientation room, but when I began working as an Onsert Press Operator, Kitson acted as my assistant. Before working as an Onsert Press Operator, I had never worked with an assistant previously. I worked in the Onsert Press Operator position until I was terminated in or around September 2017. For a majority of the time that I worked for the Employer, except for periods of training (for me, typically about two to four weeks per promotion), I worked the same schedule: Sunday nights through Thursday nights, 10:30 PM to 7:00 AM the following morning. I had the daytime hours of Friday, Saturday and Sunday off, and reported to work each week at 10:30 PM on Sunday. I received a 30 minute unpaid lunch break plus a 15

minute paid break for each shift. I worked approximately 40 paid hours per week plus overtime (average about 5 hours per week).

2. For about the first three years of my employment with the Employer, I reported to Kevin Greenwood (Associate Director of Production Logistics). In or around September 2016, Abid Rasul (Manager, Production Coding) was hired to supervise all of coding, within the Production Logistics department, including me as an Onsert Press Operator. Since Rasul was hired, he has reported to Greenwood. I know that Rasul has the authority to terminate employees because he told me that I was fired.
3. Throughout my employment with the Employer, up until approximately June 8, 2017, I had never been disciplined. For the first two years that I worked for the Employer, I received positive work reviews; my annual review that the Employer completed in or around February 2017 (pertaining to the work I did during 2016) was notably more critical than prior reviews, despite the fact that my work performance did not change. Each review contains a number of categories, and assigns one of three ratings (from high to low): Clear Strength/CS, At Standard/AS, or Development Opportunity/DO. In my year-end review for the year 2014 (covering the period from September 15, 2014 through December 31, 2014), I received a "Clear Strength" rating in Teamwork/Cooperation, an "At Standard" rating in all other categories, and no "Development Opportunity" ratings at all. In my year-end review for the year 2015, I received approximately one or two "CS" ratings, mostly "AS" ratings, and zero "DO" ratings. In my year-end review for the year 2016, I received one "CS" rating in Safety, a number of "AS" ratings, and a number of "DO" ratings (in Builds Customer Rating, Dependability, Focus on Growth, Interpersonal Skills, Problem Solving/Decisions Making, and Teamwork/Cooperation).

4. I understand that the Employer has asserted in disciplinary documents that I received a verbal warning pertaining to accurately documenting production in batch records on or about January 27, 2017. I do not recall being disciplined on that date. I recall Rasul mentioning something about batch records during a morning meeting around that time, but Rasul's statement was not directed towards me individually; rather, I believe it was a general statement that everyone needed to pay attention to documenting batch records correctly.
5. In or around January or February 2017, I began researching various unions by reading online, discussing with friends, and making phone calls/sending emails to unions. For about the first three weeks, I was looking into the unionization process privately and did not engage in any discussions about unions while at work. As a result of this research, I decided that I was most interested in pursuing an independent union with my coworkers.
6. Beginning in or around February 2017, and continuing through April 2017, I contacted coworkers in order to garner support and build an organizing committee. My main strategy was to engage in conversation with coworkers in the lunch room. Over approximately those three months, I spoke to approximately 20 employees from various departments. I attempted to have those conversations under the radar, and made efforts to speak about the union only when supervisors were not present. Some of my coworkers, about six or seven, said that they were interested in joining the organizing committee.
7. One of the employees who I spoke to about forming a union during the period from February through April 2017 was my assistant, Associate Onsert Press Operator Timothy Kitson. Kitson is friends with Associate Onsert Press Operator Brian Delee, who is the assistant of the only Onsert Press Operator employed by the Employer other than myself,

named James Timlin. Timlin was married to the sister of General Manager Robert Scarth Jr., who is the top supervisor at the Bohemia facility. Timlin has a history of feuding with other employees in his job title. For example, the person who I replaced, James Perry, was subjected to increased scrutiny by the Employer based on Timlin's recommendation after Perry failed to meet Timlin's standards. The Employer relies on Timlin's experience with the Onsert Press machine to evaluate other employees' performance; Timlin is considered the "lead" operator on the machine due to his seniority. As a result of the Employer's increased scrutiny, in or about July or August 2016, Perry tendered his two-week notice of resignation, but the Employer terminated him immediately. I believe that Kitson might have spoken to Delee about my union activities, who might have relayed the information to Timlin. Based in part on Timlin's actions towards me in June 2017 (described below), I believe Timlin informed either Scarth or my supervisor, Abid Rasul, of my union activities.

8. On or about March 1, 2017, I attended my year end review in Rasul's office. The two of us spoke privately. Rasul gave me my written review, and mentioned the "DO" ratings that I had received. Rasul also gave me a letter stating that I would receive a bonus in excess of \$3,000. This bonus was about the same amount as previous bonuses that I had received. After telling me that I would receive a bonus, Rasul said to me, don't discuss the bonus or wages with other employees. Another employee, Rob Goldberg (who has since quit) told me that Rasul also told him it was against company policy to discuss wages or bonuses with other employees. When I sent a letter to all the employees publishing my wage history on or about June 8, 2017 (described below), Pressman Wayne Dechirko said to me, "you shouldn't have put your name on this."

9. In May 2017, I began building a website to educate my coworkers about the unionization process. I did not publish the website until after receiving my first discipline on or about June 7, 2017. Before June 7, 2017, the website could only be viewed by me.
10. On or about June 7, 2017, I was disciplined for the first time during my employment with the Employer. At the end of my shift on or about June 7, 2017, supervisor Rasul told me to come to his office. When I went to Rasul's office, Kevin Greenwood was also present. The meeting began when Rasul said, you need to effectively communicate better with your team members, and work on your performance to meet the standards. Rasul went on to explain that the specific "standards" I was failing to meet are the pacing schedules and reprint rates. "Reprint rates" refers to errors in the printing process; an Operator's duty is to keep the reprint rate as low as possible, and lower than 2%. Rasul said that my reprint rate was too high, and specifically mentioned a number that was very high, something like 5%. I explained to Rasul that the reprint rate he mentioned was not accurate, and that it included reprints due to errors that had nothing to do with my work. Rasul said, let's not get picky about it, the number is not important, it's about your performance. I said, obviously the number is important since you brought it up. In my 2017 midyear review (which I received later, I believe in or around the last week of August 2017), Rasul wrote that the reprint rate goal is 1.75%, and my rate was 0.06% in alignment with the goal. Rasul also said that I was not hitting the pacing schedules. The pacing schedules set forth the amount of work and specific jobs that must be completed within a shift; for my machine (Onsert Press), they are generated by Timlin, reviewed by Rasul, and then emailed to me by Timlin or Delee. Timlin is the one that generates pacing schedules because the supervisors above him, such as Rasul, don't have the knowledge necessary to

estimate how long jobs should take. I said, it's been my opinion that the estimations about how long it takes to complete an assignment is way off, instead of 45 minutes to an hour, it should be an hour and fifteen minutes to an hour and a half to complete some of these jobs. Greenwood said, we'll look into it, we'll start tracking better how long the jobs actually take. Following this meeting, Timlin began sending me more stringent pacing schedules; for example, where there had previously been 35-40 minutes of set up time, the set up time was cut to 20-25 minutes; additionally, while I was assigned the same or greater work load, the time allotted to each task was reduced. Next, Rasul said, you don't communicate well with Timlin or Kitson. There is a thirty minute overlap between Timlin's shift and my shift during which I must hand off the machine to Timlin by explaining if any issues occurred overnight and what work must be done for the rest of the day. I said, at the end of my shift, I am working on the machine, and Timlin stands outside the room so that I can't talk to him. Rasul said, we'll speak to Timlin and start monitoring the shift overlap and sit in on the conversation. Rasul also said something about attendance and insubordination. I can't presently recall exactly what he said on that topic, but I believe it was about an incident within one month prior when I left work during a meeting that took place after my scheduled shift had ended at 7:00 AM. On that day, Greenwood and Rasul walked into the Onsert Press room at around 6:58 AM and said that we had to meet to discuss safety. Kitson, Delee, Rasul, Greenwood, Timlin and I were present. Timlin had been injured at work earlier that month. I stayed in the meeting for about fifteen minutes, and then said that I had to go, and walked out of the room. When I said that I had to go, no one responded to me. When Rasul raised the issue during the disciplinary meeting on or about June 7, 2017, I said, I leave at 7:00 AM

because that is the end of my shift. Greenwood said, no, you leave when you're dismissed by Rasul. I said, I can stay beyond my shift if I'm given notice, but I have other responsibilities and I can't stay an extra half hour if I'm only told at the very end of my shift. No one responded to that comment. At the end of the meeting, Rasul showed me a written discipline and asked me to sign it. I refused to sign the document. That was the end of the meeting.

11. After getting disciplined on or about June 7, 2017, I decided to publish the website that I had been building. Beginning on or about June 7, 2017, my website became available to the public at <http://www.unionizeclintrak.tumblr.com>.
12. On or about the morning of June 7, 2017, after I went home, I sent an email from my work email account about unionizing to approximately thirty people, including all of my coworkers in manufacturing whose full names I knew, and not including any supervisors. The email asked people to email me at my personal email address, and offered to coordinate a meeting. After sending out the email, I printed out the email.
13. After I completed my next shift, on the morning of June 8, 2017, I hand delivered a copy of the mail to another approximately thirty people in manufacturing. I did not give a copy to any supervisor.
14. After hand delivering copies of the email to people who I was trying to unionize, when I returned to work on the night of June 8, 2017, I found that I could not gain access to the building with my keycard. I called Stephen Foster (Second Shift Press Manufacturing Supervisor) and said that I could not get in to the building. Foster let me in, and said that he didn't know why my keycard wasn't working. Foster took my keycard and returned it

to me later. After Foster returned the keycard to me, it worked again but I lost my privileges to access the gym.

15. On the morning of June 9, 2017, after the end of my shift, Scarth joined the morning meeting that is held every day at the end of third shift and the beginning of first shift. Scarth began by reading aloud from a statement, which basically said that the company is opposed to unions. Scarth said, if anyone has any questions, feel free to ask me or we could meet privately. I said, can we meet privately? Scarth said, meet me in my office in five minutes. When the meeting ended, I walked to Scarth's office. He and I spoke alone in his office. The conversation began when Scarth praised me for the well written letter and asked for my thoughts and concerns (I can't recall his precise words). I said that I wasn't trying to start any trouble, I felt there was room for improvement in the working conditions and wages. Scarth agreed that there should be discussion. Scarth brought up an issue that Greenwood had previously discussed with me (in or about January or February 2017), which was sending me to Basel, Switzerland to train employees on the Onset Press. Scarth said, you had expressed interest in going to Switzerland, I will look into making that happen, you can expect an idea of when you might go by Christmas 2017. I said, yes, I'm still very interested, it's a great opportunity. That was the end of the conversation.

16. On or about June 13 or 14, 2017, at the beginning of my shift, Kitson said to me, did you see the letter from "a happy employee"? I did not know what he was talking about. Kitson showed me a letter that had been written in response to my email. I do not know who wrote it. Kitson told me that he found it on the desk in the Onset Press room when

he arrived. I spoke to many of my coworkers about the letter; it appears that the letter was distributed to the entire facility.

17. Within about a day of seeing the letter from "a happy employee," I posted various memes on the unionizeclintrak.tumblr.com website in response.

18. On or about June 14 or 15, 2017, I received an email (from either Human Resources Director Darlene Lombardo or HR Coordinator Amy Zaug) about two "town hall" meetings that would be held at work (the email arrived about one day before the meetings were scheduled to take place) – one for the second shift and one for the first and third shifts. I believe that all employees received this email. At around 7:00 AM, I attended one of the town hall meetings in the conference room. Everyone on the first and third shifts was present, including all supervisors on those shifts. In total, approximately eighty people were present. The meeting lasted approximately one hour. Scarth conducted the meeting. The meeting began when Scarth said that he wanted to address the state of the business, why we are slow, what is being done to rectify it, and the company's views on unions. Scarth spoke for about 45 minutes before opening up the floor to questions. I don't recall everything that he said, but he said that the company does not support a union, the company likes its open door policy, with a union the company would not be able to discuss issues directly with employees, and a union would disrupt business. When Scarth opened up the floor to questions, one employee (I believe Associate Pressman Richard Chaisty) asked if Thermo Fisher had any unions within the company. Lombardo said, yes, there is one. Lombardo did not elaborate. I said, I'm not trying to start any trouble, this is the best job I've ever had, I just feel it could be better, if anyone has any questions then they can contact me. Scarth said, okay, thank you everyone. At that time,

everyone left the room. I stood by the door and handed out business cards to people as they passed. The business card says "unionize now" and "we deserve our fair share" and has the union website's address and my e-mail address (unionizeclintrak@gmail.com) and "we're making a good place to work, a great one!" and some information about the NLRA. Everyone who walked past took a card from me. I did not attend the other town hall meeting, but my friend and co-organizer Anthony Mazza attended that one and distributed business cards.

19. Beginning with the town hall meeting on June 14 or 15, 2017, through approximately August 15, 2017, the Employer held and I attended approximately six meetings pertaining to the union. All the meetings were held in the conference room and were conducted by Scarth. At each meeting, Lombardo and Greenwood attended. Rasul attended some but not all of these meetings. Approximately fifteen to twenty employees attended each meeting. I learned about these meetings by email from either Lombardo or Zaug, usually about two days in advance of the meeting. At each meeting, Scarth repeated that management does not believe that a union is good for the company, and asked employees if they had any questions. Scarth repeatedly emphasized that all employee benefits would have to be bargained for, and employees could lose benefits if they chose to be represented by a union. I recall asking some questions during these meetings, but I can't presently recall what I asked. In addition to the approximately six anti-union meetings in the conference room, during the same period (approximately June 15 through August 15, 2017), on about three or four occasions, Scarth joined the daily meeting at the end of the third shift and the beginning of the first shift. On those three or four occasions, Scarth spoke at the end of the meeting when the daily activities had

concluded. Each time, Scarth said basically that he doesn't feel that a union is right for the company. On one occasion, in late July 2017 (described below), Scarth responded specifically to a letter that I had sent out to employees.

20. On or about June 16, 2017, I wrote a "Frequently Asked Questions" (or "FAQ") informational sheet. The FAQ discussed the purpose of a union, legal protections that apply to forming a union, how to join, etc. I posted the FAQ on the union website and I printed it out. I distributed copies of the FAQ to coworkers inside the Bohemia facility, both by leaving copies on employees' desks, leaving copies on the lunch room table, and handing out copies to employees who I saw in the hallways. A few days after June 16, 2017, I handed out a Spanish translation of the FAQ to Spanish speaking coworkers inside the Bohemia facility.
21. In approximately the month following the town hall meeting, about fifteen coworkers who had not previously expressed interest in the union approached me and said that they were interested in forming a union. All fifteen worked in the press manufacturing department. The six or seven employees who had previously supported a union worked in various departments, including press manufacturing, production logistics, and quality assurance.
22. On or about the night of June 21, 2017, I had difficulties with a job on the Onsert Press and put it to the side. The next morning, on or about June 22, 2017, I discussed the issue with Timlin when he reported for the first shift. Present during this conversation in the Onsert Press room were me, Timlin, and within earshot was Kitson. I showed Timlin the job and explained why I had set it aside. I had set it aside because the special instructions didn't match prior jobs that I had run and I thought there might be a mistake in the

Clintrak sample that the press reproduces. In addition, there was a note in the paperwork that made me think there would be a discrepancy or problem with the job (I don't presently recall what the note said). Timlin said, no, the job has been run before, you should have run it, I don't know why you didn't run it. At that point, Timlin stormed out of the room. After Timlin left the room, I went to the conference room for a previously scheduled meeting with Scarth, Lombardo, and all the Coding employees (and possibly the Quality Assurance employees), pertaining to the union, which lasted about one hour. After the meeting concluded, I returned to the Onsert Press room to gather my belongings so I could leave for the day. When I got to the Onsert Press room, Timlin, Rasul, Joe MacDougall (Group Leader, Production Coding) and Delee were present. They were discussing the job that I had had a problem with. As soon as I walked in, MacDougall and Delee left so that only Rasul, Timlin and I were in the room. Rasul said, did you argue with him when he first got in the room? I said, he attacked me for not running the job. Timlin said, you want to see me attack you, we can go outside right now and fight it out. Rasul said something to try to calm Timlin down. Timlin said, you're just trying to stir the pot but you're the problem, everyone knows it. I said, I think I'd like to speak with Darlene (meaning Human Resources). At that time, I walked out of the room and walked to HR. When I got there, I had to wait for about 40 minutes because Lombardo was in another anti-union meeting. During this time, I wrote a note in my phone of exactly what Timlin, Rasul and I had said to one another.

23. After I waited for about 40 minutes, Lombardo and I spoke alone in her office. I explained what had just happened between me, Timlin and Rasul. Lombardo wrote notes by hand in a notepad while I spoke. While I explained what happened, Scarth knocked on

the door and opened the door. Lombardo said, do you mind if Bob sits in? I said, I don't feel comfortable with that. At that point, Scarth left. After I explained the entire incident, I said, I don't feel comfortable working with Timlin, how do we resolve this? Lombardo said, we'll investigate and take the matter seriously. That was the end of the conversation. I never received the results of any investigation. Some time in the last week of August 2017, I asked Lombardo to give me a copy of her notes from our meeting, but she refused to give them to me.

24. On or about June 29, 2017, I received an email from Lombardo, with a draft discipline (written warning) attached to it. I believe that Lombardo sent this draft discipline to me inadvertently, when she intended to send it to Rasul. I did not reply to the email.

25. On or about the morning of July 28, 2017, near the end of my shift, I received a written warning from Rasul. This written warning appears to be the final version of the draft discipline that Lombardo had inadvertently sent to me about one month prior. Rasul came to the Onsert room and asked me to join him in the conference room with Greenwood. Present in the conference room were me, Rasul, and Greenwood. The meeting began when Rasul read the entire written warning. When he finished reading, he asked me to sign the document. I refused. There was no conversation to speak of. That was the end of the meeting. The discipline rested on two grounds. First, it says that I failed to follow the process of documenting batch records. Batch records require completing and maintaining paperwork with regard to each job that we do. It's true that I inadvertently made a mistake completing the internal paperwork on two jobs, but the written discipline identifies five errors that I made on those two jobs. I made these mistakes because I was working on a machine that I am not familiar with (the METO machine). I was working

on the METO machine because Kitson was absent on that occasion, and no one is allowed to work the Onsert Press machine without an assistant. Second, the discipline states that I failed to properly document equipment maintenance on July 9 and 19, 2017. It is true that I did not fill out the machine maintenance log book, but that is because (again) I was working on the METO machine, for which I had not been sufficiently trained. The machine I usually work on, the Onsert Press, has a machine maintenance log book, but Timlin is responsible for it. I believe that the Employer blew these relatively minor infractions out of proportion, given that other employees have made mistakes that require jobs to be reprinted, at a cost of one thousand dollars or more, and did not face any written discipline.

26. On or about the morning of July 28, 2017, after my shift ended, I distributed by email and in hard copy a letter to 22 employees working as Pressmen. The letter stated that "the unionizing efforts are focusing on a pressman's union, Printing Pressmen of Clintrak (PPC)" and that "there are 22 press operators and enough support among us now to call an election, so this will go to a vote come Fall." The letter also identified the 22 employees in the proposed bargaining unit as well as a proposed pay scale.
27. Within a day or two of when I distributed the July 28, 2017 letter, Scarth joined a morning meeting and responded to my letter. The meeting took place as usual in the hallway outside the Logistics Department. Present at the meeting were Scarth, Rasul, Greenwood, and everyone in the coding department. Typically, everyone in that group except Scarth attends the morning meeting. The meeting progressed as normal until the end of the meeting, when Scarth spoke. Scarth began by saying, we are looking into equity adjustments for wages for certain employees to address the disparities. Scarth was

holding the letter that I sent and said, I think the proposed wage scale is unfounded, remember that the union would have to bargain for everything, you could lose what you have now or get more. I don't presently recall anything more that Scarth said.

28. In or around the last week of July 2017, I began tracking how many Pressmen supported the Union based on my conversations with them. Out of 22 Pressmen, my notes show that seven were solidly in support of the union, and four were solidly in opposition. The remaining eleven Pressmen were somewhere in between.
29. On or about August 4, 2017, I handed out a letter, a pamphlet, and an authorization card to 21 Pressmen (plus myself). I had verbal confirmation that 13 Pressmen would vote for the Union in an anonymous election, but many (ultimately, 8) were not willing to sign their name to an authorization card because they were waiting to see if they'd receive one of these "equity adjustments" Scarth had promised. Beginning on or about August 4, 2017, and over the following five weeks, five Pressmen, including myself, signed and returned authorization cards to me. The remaining eight Pressmen who had previously supported the Union did not sign a card.
30. Over the course of the week beginning August 7, 2017, the Employer implemented wage increases for a number of Pressmen (plus one employee who was not a Pressman, but who specifically requested a wage increase after I published my wage history). The Employer refers to the wage increases as "equity adjustments," because the Employer portrays the increases as an attempt to close the gap in wages between employees with the same job. A number of Pressmen, about eight, who had previously said that they would vote for the Union in an anonymous election, refused to sign an authorization card after receiving the "equity adjustment." As far as I know, the Employer has never

implemented any wage increase in the middle of the year; they typically coincide with the year-end review.

31. On or about August 7, 2017, I received a final written warning from Rasul. I met with Greenwood and Rasul in the conference room. Rasul read aloud directly from the final written warning document. When he finished reading, Rasul asked me to sign the document, and I refused. There was not much conversation to speak of. That was the end of the meeting. The discipline states that I slammed my fist on the table during discussion with Rasul and Kitson on or about August 3, 2016, about delay in initiating jobs at the beginning of a shift. I did not slam my fist on the table during that discussion. Rather, I calmly explained why there is an electronic record of delay. I explained to Rasul that I only delayed in creating an electronic record of beginning the job, but did not delay in actually beginning the job, because sometimes issues (e.g. problems with the glue unit, damaged dye, dye missing, discrepancies in the paperwork, etc.) can come up that prevent the job from running successfully. Kitson agreed with my explanation. Rasul said, yeah but why didn't you start the job yet? Rasul basically disregarded everything that I had explained. I admit that I was frustrated that Rasul had ignored my explanation, but rather than slam my fist on the table, I placed an open hand on the table for emphasis as I said, "so you want me to send the job over as soon as I come in?" Rasul said, don't slam your fist on my desk. I looked at him blankly and didn't say anything. That was the end of the conversation.

32. In or around the last week of August 2017 or first week of September 2017, I received a midyear review, like I do every year.

33. From June 2017 through September 2017, I posted U.S. Department of Labor posters entitled "Employee Rights" conspicuously on the wall in the lunch room about five times. Each time, someone took them down on the same day. I don't know who took the posters down. During the same time period, various types of anti-union literature were posted on the same wall in the lunch room, as well as in the hallways, inside work rooms, and in the glass enclosed bulletin boards near the time clocks and in the lunch room. The bulletin boards are locked and require a key to gain access; I understand that Zaug is in charge of the bulletin boards. The anti-union literature remained posted for months.

34. On or about September 14, 2017, I was working on the METO machine. Rasul asked me to meet in his office. I went to his office. Present in Rasul's office were me, Rasul and Lombardo. The meeting began when Rasul said something about a job from the week prior when I did not create the electronic record for the initiation of the job immediately at the beginning of my shift. Rasul said, you are terminated effective immediately. I did not speak during the meeting. When Rasul said that I was terminated, I walked out of his office, walked to my desk, picked up my keys, and started walking towards the exit. Rasul followed me and asked for my keycard. I gave him the keycard. I took a picture of the time clock because I was not allowed to punch out, and then I left.

I am being provided a copy of this Confidential Witness Affidavit for my review. I understand that this affidavit is a confidential law enforcement record and should not be shown to any person other than my attorney or other person representing me in this proceeding.

I have read this Confidential Witness Affidavit consisting of 18 pages, including this page, I fully understand it, and I state under penalty of perjury that it is true and correct. However, if after reviewing this affidavit again, I remember anything else that is important or I wish to make any changes, I will immediately notify the Board agent.

Date: September 21, 2017

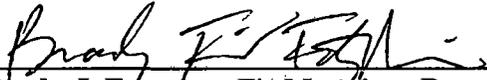
27
1/19/2017

Signature: _____



Herman Isaza

Signed and sworn to before me by telephone on September 27, 2017.



Brady J. Francisco-FitzMaurice, Board Agent, National Labor Relations Board

EXHIBIT D

Comments	stations. 3) Remove waste matrix build-up from the compactor's trap door.
Results: Manager Comments	This goal has been completed to success; all valid suggestions.
Rating	Green: <input checked="" type="checkbox"/> Yellow: <input type="checkbox"/> Red: <input type="checkbox"/>

Section 2 2014 Performance Assessment- Employee Comments in Red			
Competencies		Thermo Fisher Values	
Builds Customer Allegiance	AS/AS	Integrity	AS/AS
Embraces PPI	AS/AS	Intensity	AS/AS
Focus on Growth	AS/AS	Innovation	AS/AS
Job Knowledge	AS/AS	Involvement	AS/AS
Teamwork/Cooperation	CS/CS	Overall Performance	
Interpersonal Skills	AS/AS	Performance	AS/AS
Dependability	AS/AS	Rating Choices	
Safety	AS/AS	Competency Ratings Clear Strength (CS) At Standard (AS) Development Opportunity (DO)	Performance Ratings Clear Strength (CS) At Standard (AS) Requires Improvement (RI)
Personal Development	AS/AS		
Problem Solving/Decision Making	AS/AS		

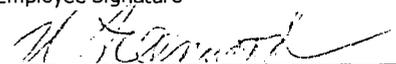
Clear Strengths (Elaborate on all competencies rated as a Clear Strength, and others as applicable)
Employee Comments: Based on my peers' feedback, I am a model team player and have been thanked regularly for going above and beyond my duties. The Leads in my Departments have asked me to instill my work ethic and drive in employees with the same position.
Manager Comment: As I have not worked with Herman much this year due to his late transition into the Re-Orientation department, I don't have much feedback. I do believe Herman is an asset to the company. He has continually shown himself to be a team player to help get the work complete and this goes for Press as well as Re-Orientation. This includes overtime when requested for completion of labels with tight timelines. Herman has also shown that he has a high attention to detail and has prevented costly mistakes from reaching clients. As Bob indicated, Herman was asked to push his work ethic out to other employees to be a role model and set the standard for a high performer. Herman has picked up the requirements of the department quicker than anybody has in the history of the department- excellent work!

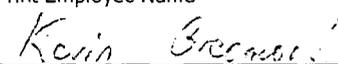
Development Opportunities (Elaborate on all competencies rated as Development Opportunity, and others as applicable)
Employee Comments: N/A
Manager Comments: Embraces PPI- Herman work with a team or do a solo project and submit at least 1 PPI project or JDI to identify a problem you believe can be improved upon within your area: it can also be a process related improvement. As a new employee with the company, there is still much for Herman to learn and understand and he is open to learning and taking on additional responsibilities. He has picked up the responsibilities of the department very quick and should continue to work on understanding what we do, why we do it and look for ways to help us all do it better. I'd like to see Herman develop his skills on the LSI machine and this will be a goal that I'm sure will be completed quickly in 2015.

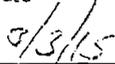
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Section 3 Development and Career Planning	
Employee's View - Short Term Career Objectives (0-2 Years)	Manager's View- Short Term Career Objectives (0-2 Years)
Familiarize myself with all manufacturing processes and be able to work competently in all of them.	Learn the different areas of the company that fall under the Logistics domain- most importantly the Coding Dept. A goal for 2015 is to quickly become trained on the AZ printer so that his skills can be utilized where they are most needed on any given day.
Employee's View - Long Term Career Objectives (3-5 Years)	Manager's View - Long Term Career Objectives (3-5 Years)
Transition into Management.	Continue to develop skills necessary to pursue your aspirations.
Development Plan (Describe Assignments and/or coursework, etc. for each Development Opportunity listed above)	
N/A	

Approvals: Manager's signature denotes approval of all information on document

Employee Signature _____

 Manager Signature _____

Herman Isaza
 Print Employee Name _____

 Print Manager's Name _____

1/9/2015
 Date _____

 Date _____

Next Level Manager Signature _____

Print Next Level Manager's Name _____

Date _____

This document will be placed in the employees Personnel Record

Employee Comments (Optional):
I have enjoyed my time with the company and wish to grow quickly; my management experience is valuable human capital for Clintrak.
Manager Comments (Optional):

Description of Desired Performance Competencies for Associate Track Employees
 (Review these descriptions before assigning a rating to each competency and Thermo Fisher value)

Builds Customer Allegiance

- Is dedicated to meeting the expectations and requirements of internal and external customers.
- Builds a customer-centric focus within the organization by ensuring that internal processes are designed with the customer in mind
- Gets first hand customer information and uses it for improvements in services and products.
- Understands customers' concerns and critical problems, and demonstrates that solving their problems is a top priority
- Regularly calibrates performance against customer requirements and expectations.
- Builds long-term relationships with customers by understanding and anticipating their current and future needs
- Meets commitments and ensures that deliverables are completed on time.

Embraces PPI

- Utilizes PPI to improve business process and address business problems.
- Encourage the use of the process management tools and the PPI eight step method
- Motivates others to adopt PPI by providing relevant facts, success stories, and instructive data
- Models positive attitude toward PPI by articulating that process will lead to higher customer satisfaction and business growth
- Recognizes and celebrates PPI successes
- Actively supports the implementation of PPI recommendations.
- Looks for opportunities to constantly improve processes.

Focus on Growth

- Works to meet business goals set by management (e.g., manages to a budget, meets sales quotas, on-time delivery, quality requirements, key business metrics)
- Takes numerous, sustained actions over time in the face of obstacles to reach growth goal(s)
- Works towards implicit standards of excellence in the pursuit of growth
- Shows passion and commitment through a strong drive for results
- Uses own specific methods of measuring outcomes against a standard of excellence (e.g., \$ spent, grades, outperforming others, time spent, scrap rates, beating the competition, etc.)
- Willing to take responsible risks to achieve results.

Job Knowledge

- Comprehends all phases of work.
- Knows and utilizes the theories and practices that are required to succeed.
- Understands and is clearly able to describe work processes to others.
- Familiarity with how other department functions relate to the job

Teamwork/Cooperation

- Consistently sees change as an opportunity, not a threat
- Encourages and promotes good attitudes within the organization
- Maintains a professional manner when problems/conflicts arise
- Accepts difficult assignment without complaint
- Willing to do whatever it takes to meet customer expectations
- Exhibits flexibility and selflessness

Interpersonal Skills

- Shows proper regard for customers, peers and supervisors
- Active listeners who consistently checks for understanding
- Builds good working relationships with others
- Exhibits appropriate behavior and language at all times on job or at company events
- Gains cooperation of others to improve performance of self and others
- Maintains confidentiality of company or personal information of others

Dependability

- Arrives on time to work, meetings and from lunch or breaks
- Has minimal number of unplanned absences. Informs supervisor in a timely manner.
- Plans and arranges for work to get completed if absent
- Able to be relied upon for thoroughness and accuracy on assignments
- Takes initiative to inform/assist individuals covering their absence

Safety

- Places high value on workplace safety of self and others
- Attends and participates in safety meetings

- Identifies potential hazards and pursues corrective actions
- Maintains a clean and organized work area and environment
- Follows established safety policies and procedures.

Personal Development

- Takes initiative to learn new skills or improve current ones
- Seeks out opportunities for learning at every opportunity
- Understands and accepts their primary role in career development
- Is receptive to, and acts on, constructive feedback

Problem Solving/Decisions

- Seeks appropriate data and utilizes available problem solving tools before making decisions
- Is proactive in presenting solutions, not just problems to others
- Exercises good judgment and appropriate discretion when reaching conclusions
- Takes initiative to inform/assist individuals covering their absence
- Willingness to work as part of a team to solve problems
- Constantly looks for opportunities to prevent problems, not just react to them.

Thermo Fisher Values

Integrity

- Honor Commitments
- Treat others with respect and dignity
- Communicate openly and encourage candid feedback
- Be accountable for successes and failures
- Be a role model for "Winning Together"

Innovation

- Demonstrates a passion for discovery and learning
- Raise the bar, push the standard
- Recognize opportunities and take risks
- Practice continuous improvement
- Learn from the best practices within Thermo Fisher

Intensity

- Drive to "win/win"
- Focus on desired results
- Work with speed, passion and a can-do attitude
- Win with dignity and lose with renewed commitment
- Hold yourself to a higher standard

Involvement

- Embrace "One Thermo Fisher"
- Team up – with colleagues throughout Thermo Fisher and with customers – so that we win together
- Think and act globally
- Seek out challenges
- Listen actively, communicate completely

Performance Ratings

For Competencies & Thermo Fisher Values:

Clear Strength

- Demonstrated mastery of skills
- Recognized by peers and sought out as mentor and/or coach by others in this area

At Standard

- Utilizes this skill consistently and successfully in daily work

Development Opportunity

- Inconsistent application and/or effectiveness in using this skill in present assignment

OR

- Increased skill in this area will be needed for attainment of career objective(s)

For Overall Performance Rating:

Clear Strength

- Achieved exceptional overall results that exceeded expectations
- Modeled outstanding leadership behaviors during the year that aligned with Thermo Fisher's Values
- Demonstrated mastery of many of Leadership Competencies in these achievements

At Standard

- Achieved established objectives
- Met Thermo Fisher's standard for leadership values and applicable competencies

Requires Improvement

- Inconsistent/unsatisfactory performance
- Pursuit of Thermo Fisher Values and/or skills needed to achieve individual business and/or individual development objectives

EXHIBIT E

June 7, 2017

All Production Areas
Clintrak Clinical Labeling Services
2800 Veterans Highway, Bohemia, NY 11716
Phone +1 (631) 467-3900

RE: Unionizing

Dear co-workers,

I'd like to share my concerns regarding our business, in particular, wages and leadership. Over the past eight months, the work schedules in all the departments have gotten lighter and lighter. If things continue as they are, we are the ones who will suffer. We need to band together now, more than ever, to protect our interests.

WAGES

I've held several positions on the 3rd shift over the past 2 ½ years. Entering as a Booklet Press Assistant, my starting salary was \$19/hr with a 10% night differential, bringing it to **\$20.90**.

Re-orientation Specialist- $\$20.00+10\% = \mathbf{\$22.00}$

Coding Specialist, AZ operator- $\$22.04+10\% = \mathbf{\$24.24}$

Coding Specialist, Onsert Operator- $\$25.52+10\% = \mathbf{\$28.07}$

These wages really are insufficient to cope with the exorbitant prices in New York, Long Island especially. The yearly "merit" increases of 1-2% are insignificant, not even covering the rate of inflation or cost of living increases. Let's not forget that Clintrak has experienced growth in revenue and profits every year that I've been here, but our bonuses are calculated based on our stagnant wages and contingent upon the success of our Division as a whole within ThermoFisher, being penalized when other production sites fail.

My hope is that we open up the lines of communication and start discussing the changes we'd like to see. We should look to collectivize our efforts and demand a better wage model, perhaps a standardized one based on the existing band classifications. We're all expected by our employer to do the same tasks and amount of work regardless of our time with Clintrak, experience, capabilities or working knowledge, so why should we all be compensated differently?

LEADERSHIP

I, along with many of you I've spoken to, feel our business is being mismanaged and we, mistreated. Here are just a few glaring examples:

When the Booklet Press lost their lead operator on the third shift last year, management decided to hire externally, even though they had a fully-trained, capable and experienced internal candidate already filling the role. They ended up dumping a lot of resources into this external hire, who was terminated for failing to meet expectations and running a job incorrectly- which put our business at risk. This blunder cost us a lot more in the long run. It's an injustice that our co-worker became the de facto lead operator without the promotion, raise or the second assistant common to the other shifts.

Look at what they did to Steve Jaipaul, the temp hired in coding from mid-February to mid-May. He was tossed around the coding department learning Meto, AZ and pre-coding operations, switching between 1st and 3rd shift with maybe a week's notice. He was then expected to be fully proficient in all three roles without any prior experience, gaps in employment here and all for a fraction of the hourly wages we earn! He was set up for failure.

The demoralizing atmosphere we're experiencing in the Coding Department under Abid Rasul's leadership drove Rob Goldberg, a senior employee, to quit. I don't remember being anywhere near this dissatisfied when we had Joe MacDougall leading our department, nor did I ever question his decisions. Instead of filling Rob's position, management has had all of us assume more responsibilities to pick up the slack, but none of us have been compensated for this increase in duty and job knowledge. This brings me to the most important reason why we must unionize.

We, in production, are the ones feeling the effects of all the belt-tightening during this lull. Many of us depended on the overtime that was available for so long. Now, we've had to supplement our incomes in other ways because of the inadequate wages. Yet, the salaried employees do not share this struggle. They're guaranteed their share. Those in management are not protecting our interests; they are too preoccupied justifying their roles here. If things get worse, it's us that middle management will throw under the bus. Remember, we create value and they exploit us.

I wish to hear from all of you and would like you to email me through my personal address, outside of work hours, herman.isaza@gmail.com . I can coordinate a meeting for all of us to discuss how we should move forward.

In solidarity,

Herman Isaza
Onsert Operator, 3rd shift
Clintrak Clinical Labeling Services
2800 Veterans Highway, Bohemia, NY 11716
Phone +1 (631) 467-3900
herman.isaza@thermofisher.com

EXHIBIT F

Lombardo, Darlene O.

From: Greenwood, Kevin J.
Sent: Thursday, October 19, 2017 10:43 AM
To: Lombardo, Darlene O.
Subject: 6/8/17 Activity

Darlene,

This is the last message I had in this thread. Also I want to emphasize that we did not do everything in my initial request to Mike- Specifically, we did not attempt items 3 or 5 and let the emails circulate as intended. We didn't discover any damage done to the network, but I'm not sure how we would have checked the files (item 4).

The reference is in this email next to item 4 that he packed up all his personal belongings when he left is why Clintrak believed he would not be coming back to work and he self-terminated himself.

I did follow-up with Erick via email to make sure he got your message to reinstate his access, but I can't find the reply. I know the communication went out to restore it before end of day on 6/8, but a mistake was made on Erick's part with the card access system (it's older software that isn't user friendly).

Kevin Greenwood

Associate Director- Production Logistics
Clintrak Clinical Labeling Services

Thermo Fisher Scientific
2800 Veterans Highway | Bohemia, NY 11716
+1 (631) 648-4035 office | +1 (631) 648-4135 fax
kevin.greenwood@thermofisher.com | www.clintrak.com

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From: Greenwood, Kevin J.
Sent: Thursday, June 08, 2017 8:34 AM
To: DePasquale, Mike <mike.depasquale@thermofisher.com>
Subject: RE: Let's talk about UNIONIZING

Thanks!

Kevin Greenwood

Associate Director- Production Logistics
Clintrak Clinical Labeling Services

Thermo Fisher Scientific
2800 Veterans Highway | Bohemia, NY 11716
+1 (631) 648-4035 office | +1 (631) 648-4135 fax
kevin.greenwood@thermofisher.com | www.clintrak.com

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From: DePasquale, Mike
Sent: Thursday, June 08, 2017 8:28 AM
To: Greenwood, Kevin J. <kevin.greenwood@thermofisher.com>
Subject: Re: Let's talk about UNIONIZING

000632

Erik will reach out to you

Sent from my iPhone

On Jun 8, 2017, at 8:20 AM, Greenwood, Kevin J. <kevin.greenwood@thermofisher.com> wrote:

Mike,

As discussed, we need a few things done to counteract this email.

1. Suspend Herman's account access until Darlene requests reinstatement.
2. Suspend Herman's badge access until Darlene requests reinstatement.
3. Try to pull back the undelivered messages with this attachment – he may have sent several emails with a different subject, but I would guess the same attachment.
4. Try to track Herman's activity last night to see what was actually done and if anything malicious was done to the jobs of the network. He packed up all of his stuff when he left today in preparation of not coming back (my thought)?
5. If possible, do not allow outbound Thermo Fisher email traffic to go to Herman's private email address, i.e. blacklist herman.isaza@gmail.com. Darlene to provide feedback on this one, but I would believe it is within our right to block accounts, but I could be wrong as I'm not up to speed on unionization and the law.

Please don't circulate the attachment unless necessary, I've provided to you for the above activities.

Kevin Greenwood

Associate Director- Production Logistics
Clintrak Clinical Labeling Services

Thermo Fisher Scientific
2800 Veterans Highway | Bohemia, NY 11716
+1 (631) 648-4035 office | +1 (631) 648-4135 fax
kevin.greenwood@thermofisher.com | www.clintrak.com

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From: Rasul, Abid A.

Sent: Thursday, June 08, 2017 7:19 AM

To: Greenwood, Kevin J. <kevin.greenwood@thermofisher.com>; Lombardo, Darlene O. <darlene.lombardo@thermofisher.com>

Subject: FW: Let's talk about UNIONIZING

Importance: High

Kevin/Darlene,

Please see attached document that Herman sent out this morning to our operation employees.

Regards – Abid.

From: Magnemi, Thomas A.

Sent: Thursday, June 08, 2017 7:17 AM

To: Rasul, Abid A. <abid.rasul@thermofisher.com>

Subject: FW: Let's talk about UNIONIZING

Importance: High

From: Isaza, Herman A.

Sent: Thursday, June 08, 2017 6:55 AM

To: Delee, Brian T.; Mac Dougall, Joe; Magnemi, Thomas A.; Solano, Robert D.; Vallone, Michael; Isaza, Herman A.; Timlin, James P.; Kitson, Timothy D.; Cadogan, Horace D.; Cahill, Ethan M.; Carazo, Hernando; Caruso, Albert A.; Chaisty, Richard A.; Colasuonno, Christopher; DeChirico, Wayne W.; Edwards, Zachari L.; Fattizzi, Vincent; Fernandez, Joseph H.; Fisher, Brad; Fuentes, Edison C.; Garcia, Alfonso J.; Herrmann, Alan J.; Jones, Shelton; Lescio, Lenny; Mazza, Anthony; Moletto, Daniel A.; Westbay, Thomas G.

Cc: Herman.isaza@gmail.com; grinderoi@gmail.com

Subject: Let's talk about UNIONIZING

Importance: High

Please see attached.

Herman Isaza

Onsert Press Operator, 3rd shift

Clintrak Clinical Labeling Services

Thermo Fisher Scientific

2800 Veterans Highway | Bohemia, NY 11716

Phone +1 (631) 467-3900

herman.isaza@thermofisher.com | www.clintrak.com

<Wage slaves of Clintrak, unite!.docx>

EXHIBIT G

DON'T SIGN A CARD OR UNION DOCUMENT

YES! I WANT PRINTING PRESSMAN OF CLINTRAK (PPC) REPRESENTED BY A UNION.

I HEREBY AUTHORIZE

Printing Pressman of Clinttrak
TO REPRESENT ME IN COLLECTIVE BARGAINING.

Name (Print) _____ Phone _____
Home address _____ Street or P.O. Route _____
City _____ State _____ Zip Code _____
Date _____ Signature (Do Not Print Name) _____
Employed by: _____ Location _____
Department _____ Job Title _____ Rate _____
Witness _____ Employee Address _____
Are you interested in joining the Organizing Committee? Yes 601 11/ (see other side)

A union—even a private union—is expensive.

Negotiations, arbitrations, legal advice all cost money. Employees pay these fees, often 2% of pay every year.

Company's obligation would be to negotiate in good faith—which we would do. But Thermo Fisher would not have to agree to any union demand that is not beneficial to the business.

Employees can get less, the same, or more. No one can predict the outcome!

It is not unlawful for a union or its supporters to **exaggerate or mislead**—like guaranteeing wage rate increases.

A union card or document is not just for information
not just to request an election
not a guarantee of any improvement

If a union gets in, you'd be represented, like it or not, and any contract would apply to YOU, and you'd face **UNION COSTS** and **UNION RISKS**.

THE TRUTH about a union card or other document:

- It's a **legal, binding document** (a signature is required!)
- It's like giving a **blank check** on important job rights to a stranger
- It's **hard to cancel** once signed (they don't have to give it back)
- It may be the **only choice** you get to make about union representation

THE TRUTH ABOUT NEGOTIATIONS—YOU CAN GET LESS THAN WHAT YOU HAVE, THE SAME OR MORE. WHY TAKE THE RISK?

OUR ADVICE IS SIMPLE:

DON'T SIGN ANYTHING!

ThermoFisher
SCIENTIFIC

EXHIBIT H

From: Zimmerman, Amy C.
To: Lombardo, Darlene O.
Cc: Christian, Kia; Milford, Shanna A.
Subject: RE: Press Operator Market Data- Next Steps?
Date: Monday, June 19, 2017 2:59:02 PM
Attachments: [image001.png](#)
[image002.png](#)

Would the additional individuals be aligned to the "skilled" data or are they correctly mapped today? All of the individuals below are on the employee tab but not the Separate review tab. I just want to make sure that we're aligning the correct data to the correct individuals. Please confirm thanks.

Best,
Amy

From: Lombardo, Darlene O.
Sent: Monday, June 19, 2017 2:29 PM
To: Zimmerman, Amy C.
Cc: Christian, Kia; Milford, Shanna A.
Subject: RE: Press Operator Market Data- Next Steps?

Amy,

Thank you for your work on this. I am looking forward to you walking us through the data. I would like to include three additional names to include in the analysis, if possible. Please note that while Rob Albert is a Sr. QC Technician, he runs Vision inspection equipment and was formerly an Operator II, Manufacturing (Reorientation Specialist).

10022646	Albert, Robert	Sr QC Technician	In Process Inspector - 2 - Finishing Operations	
10026337	Chaisty, Richard A.	Operator II, Manufacturing	Associate Pressman	2
10059278	Colasuonno, Christopher	Operator II, Manufacturing	Reorientation Specialist	2 Associate

Thanks,
Darlene

Darlene Lombardo
Human Resources Business Partner
Clintrak Clinical Labeling Services
Clinical Supply Optimization Services
Clinical Ancillary Management

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From: Zimmerman, Amy C.
Sent: Monday, June 19, 2017 1:53 PM
To: Christian, Kia <kia.christian@thermofisher.com>; Lombardo, Darlene O. <darlene.lombardo@thermofisher.com>
Cc: Wilson, Karen E. (HR) <karen.wilson@thermofisher.com>; White, Jacquelyn G. <jacquelyn.white@thermofisher.com>; Coughlin, Timothy J. <timothy.coughlin@thermofisher.com>
Subject: RE: Press Operator Market Data- Next Steps?

Hi Kia and Darlene,

Attached is our recommendation for benchmarking. As Tim has noted below, there was not a perfect match in our survey sources. To come up with a solution, we advise using a combination of the Towers "skilled" trade survey match and the DOL match.

I've included an analysis, which has 2 tabs: Employees and Separate review. The employee tab includes all employees (excluding HR) and I've added columns for the market data for the "skilled" roles. The separate review tab has only the employees in the "skilled" review. The "skilled" employees in the Separate review analysis came from Darlene's last email on Friday. If there are other employees that should be included in the "skilled" role review, please let me know and I can update the analysis.

I'd like to walk you through the work that was done. Please let me know who should be included in the discussion. Thanks.

Best,
Amy

From: Coughlin, Timothy J.
Sent: Friday, June 16, 2017 3:00 PM
To: Christian, Kia
Cc: Wilson, Karen E. (HR); White, Jacquelyn G.; Zimmerman, Amy C.
Subject: RE: Press Operator Market Data- Next Steps?

Kia:

Just a quick update, unfortunately there are no perfect matches in our data sources for the roles described. This is not uncommon so we are putting together a number of different data sources, both verified (Towers Salary Survey) and unverified/anecdotal, eg salary.com, Indeed.com, etc. We have also reached out to the TA firm from the most recent source. Given the complexity around data sources we will be able to finalize a view on Monday and send it over.

Thanks,

Tim

From: Christian, Kia
Sent: Friday, June 16, 2017 9:09 AM
To: Coughlin, Timothy J. <timothy.coughlin@thermofisher.com>
Cc: Wilson, Karen E. (HR) <karen.wilson@thermofisher.com>; White, Jacquelyn G. <jacquelyn.white@thermofisher.com>
Subject: FW: Press Operator Market Data- Next Steps?
Importance: High

Hi Tim

As Amy has made you aware, we have a critical situation in our Bohemia NY site. The email below is one exchange of many over the past few days. The situation is escalating and we can't seem to get accurate data to enable us to determine if our highly skilled / specialized roles are paid competitively or not. Most of the employees at the site are not in favor of a 3rd party speaking on behalf of our employees however the one issue that people are displeased with is comp/wages in particular.

Is this something you can help us get this information as quickly as possible? Each day we have been presented with new flyers and now an external website has been created – almost entirely pointing to pay gaps.

If you'd like to talk please let me know and Jackie and/or I can jump on a call today.

Thank you

Kia J. Christian
Thermo Fisher Scientific

Office: +1 610-849-0306

Mobile: +1 484-575-6425

From: Lombardo, Darlene O.
Sent: Thursday, June 15, 2017 9:51 PM
To: Christian, Kia; Zimmerman, Amy C.
Subject: RE: Press Operator Market Data- Next Steps?

Kia,

In my opinion the DOL data is the closest fit to the job description. Assuming Thermo Fisher falls under the The industry category "Business, Professional, Labor, etc) this hourly rate seems aligned to what I am accustomed to seeing. A geographical premium would make the salaries very close to our ranges. The towers data job description is very broad and includes multiple unrelated skilled professionals such as plumbers, electricians. Etc. and I think it would be too much of a stretch to include the press operators in this group. I was hoping we would find press operators in one of the salary surveys we subscribe to, I'm okay with using this data if you are onboard, Kia.

Darlene

Industry	Employment (1)	Percent of Industry employment	Hourly mean wage	Annual mean wage (2)
Federal Executive Branch (OES Designation)	570	0.03	\$44.16	\$91,860
Business, Professional, Labor, Political, and Similar Organizations	90	0.02	\$24.32	\$50,590
Educational Support Services	40	0.02	\$23.39	\$48,650
Local Government (OES Designation)	670	0.01	\$22.35	\$46,500
Agencies, Brokerages, and Other Insurance Related Activities	(8)	(8)	\$22.34	\$46,470

States with the highest employment level in this occupation:

State	Employment (1)	Employment per thousand jobs	Location quotient (2)	Hourly mean wage	Annual mean wage (2)
California	15,340	0.96	0.79	\$18.11	\$37,670
Texas	10,350	0.88	0.73	\$17.96	\$37,360
Illinois	9,360	1.59	1.31	\$20.40	\$42,430
Pennsylvania	9,260	1.61	1.33	\$18.08	\$37,600
New York	8,960	0.98	0.81	\$19.16	\$39,850

Darlene Lombardo
Human Resources Business Partner
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From: Christian, Kia
Sent: Thursday, June 15, 2017 9:33 PM
To: Lombardo, Darlene O. <darlene.lombardo@thermofisher.com>; Zimmerman, Amy C. <amy.zimmerman@thermofisher.com>
Subject: RE: Press Operator Market Data- Next Steps?

What was the issue with the DOL or the Towers data? I can't recall what the challenge with that was – sorry too many emails today ☹

Kia J. Christian
Thermo Fisher Scientific

Office: +1 610-848-0306
Mobile: +1 484-575-6425

From: Lombardo, Darlene O.
Sent: Thursday, June 15, 2017 1:52 PM
To: Zimmerman, Amy C.
Cc: Christian, Kia
Subject: RE: Press Operator Market Data- Next Steps?

Amy,

Thanks for the follow-up. The Comp Analysts Survey data was generated in 2007 and as you saw it has the category press operators but looks like the salary data was not available. I've copied Kia here for her recommendation and suggestions for recommended next steps. I will continue to explore, if the Flexographic Trade Associate has salary data as a potential source.

Darlene

Darlene Lombardo
Human Resources Business Partner
Clintrak Clinical Labeling Services
Clinical Supply Optimization Services
Clinical Ancillary Management

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From: Zimmerman, Amy C.
Sent: Thursday, June 15, 2017 12:54 PM
To: Lombardo, Darlene O. <darlene.lombardo@thermofisher.com>
Subject: RE: Press Operator _ 2007 dated salary report - CompAnalyst report -8 positions 7-07.xls

Hi Darlene,

The download that you sent doesn't contain any data for the press operator job. Salary.com and trade associations (I was thinking that you were talking about a local survey earlier) really aren't valid sources since they are self reporting. I'm not sure if your area runs a third party local survey that might you might be able to purchase. Sometimes local 3rd party surveys are run for specific areas. I think the closest that you're going to get if you're looking for the "specific" data is the DOL data, which is a valid source. Like I said, our 3rd party survey Towers Watson has a skilled trade match which is broad but might meet the needs in the absence of other available data. The best data is from a 3rd party source that actually scrubs the data and analyzes what

has been reporting to make sure that they're getting the best data possible to report out to clients.

I'll see if there's anything else that I can find, but the DOL or the Towers data might be your best bet.

Best,
Amy

From: Lombardo, Darlene O.

Sent: Thursday, June 15, 2017 10:52 AM

To: Zimmerman, Amy C.

Subject: Press Operator _2007 dated salary report - CompAnalyst report -8 positions 7-07.xls

EXHIBIT I

ThermoFisher
SCIENTIFIC

Date: 7/28/2017

To: Herman Isaza

From: Abid Rasul

Subject: Written Warning

This memorandum serves as a written warning about the discussion that you and I are having today about your job performance, particularly in regards to failure to follow the established Clintrak processes/procedures for completing all batch record paper work for all computerized production jobs as per cGMP guidelines. My intention in bringing this performance issues to your attention is to provide you with the opportunity to make the necessary corrections, and to demonstrate the ability to maintain satisfactory performance.

Documented Performance Concerns:

Failure to Follow Batch Record Process/Procedure

On January 27, you received a verbal warning regarding the need to accurately document production in batch records. During the time period, June 20-June 27, you were responsible for five batch record errors. Specifically, two errors were associated with incorrect CTK sample placement in which the liner was left on the labels; one error associated with failure to place the job number on the Guardian report; one error associated with overwriting information on a document; and one error associated with failing to sign and date a document properly as per guidelines.

In our production environment, completeness of batch record accuracy is an essential process to be followed at all times according to cGMP requirements to meet our business and customer needs. As referenced in your year-end PMD of 2016, batch record errors continues to be a development opportunity for you in 2017. You and I have had several conversations on this process for improvement, including during your year-end PMD on 3/16/17 and again on 5/31/17. In addition, I have sent information regarding our batch record paperwork process and procedures to all department team members on 1/20/17, 4/20/17, and 6/27/17. In addition, on 6/20/17, Stephen Foster met with you to discuss three of the errors above.

Failure to Follow and Document Proper Equipment Maintenance

On July 9 and 10, you completed three jobs (LIL 7032CS1, WUS2512CS1.2, and JAN2604CS1.1) without documenting printer maintenance and a missing label sensor challenge. Failure to update the logbooks places us at risk in the event we do have equipment failures as we have no historical information to assess and proactively address the issue(s). In addition, failure to document equipment maintenance, may result in a

customer audit finding. The importance of proper equipment maintenance was stressed in an email sent by Joe MacDougall, Production Coding Team Leader, to the team on 6/26/2017 and is part of our Daily Coding Printer Maintenance Log process. The importance of completed log books were also stressed in the coding monthly team meeting on 6/29/17, which stated and read out aloud by the coding manager "All rooms log books Must be filled out daily."

Requirement for Immediate Actions and Satisfactory Performance Improvements

Expectations are as follows:

Herman, effective completion of all batch record paper work and proper documentation of equipment maintenance is an expectation of this position. This process must be followed at all times according to cGMP requirements. Please let me know if you require additional training or guidance on our batch record and/or Printer Maintenance Log Process.

Continued unsatisfactory performance will result in further disciplinary action, up to and including, potential termination of employment.

It is my firm hope that bringing these issues to your attention will provide you with an opportunity to correct them and resume satisfactory performance as per Thermo Fisher Scientific's 4i Values and performance standards.

Please sign below. Your signature on this document is an acknowledgment that this matter has been discussed with you, and you have reviewed this document prior to inclusion in your personnel file. Your signature is not an indication of agreement or disagreement of the deficiencies that are outlined in this document.

Employee Signature Refused to Sign Date 7/18/17
Supervisor Signature Abdul Rashid Date 7/20/17

Employee Comments:

EXHIBIT J

July 28, 2017

Press Department
Clintrak Clinical Labeling Services
2800 Veterans Highway, Bohemia, NY 11716
Phone +1 (631) 467-3900

RE: Union Pay Scale

Dear Pressmen,

The unionizing efforts are focusing on a pressman's union, Printing Pressmen of Clintrak (PPC). There are 22 press operators and enough support among us now to call an election, so this will go to a vote come Fall.

Please have a look at the proposed pay scale and offer your input. After weeks of researching pay models, scouring comparable wage rates in the market, calculating the cost of living relative to the rest of the US and considering how unique we are within the industry, these are the wages that make the most sense. And these numbers aren't unprecedented, for they are paying some of us this much. As you can see on the bar graph, there is a clear path for career advancement and a natural progression of pay, as it also accounts for the years of experience an employee should be compensated for.

Should the union win with the 12 votes needed, it will affect all 22 of us. New York is not a "right to work" state, so your position will be covered under the collective bargaining agreement, whether you choose to participate in the union or not.

If you have any questions, please refer to the FAQ available at unionizeclintrak.tumblr.com or come speak to me directly. I'm happy to answer any and all questions and I encourage you to do a little research for yourself.

Solidarity!

Herman Isaza
Onsert Press Operator, 3rd shift
Clintrak Clinical Labeling Services
2800 Veterans Highway, Bohemia, NY 11716
Phone +1 (631) 467-3900
herman.isaza@thermofisher.com

All wages reflect the **MINIMUM** a pressman should expect for their relevant experience

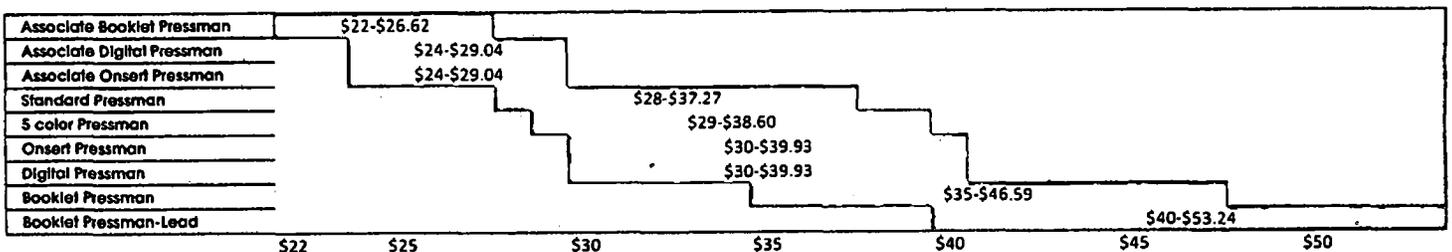
2018

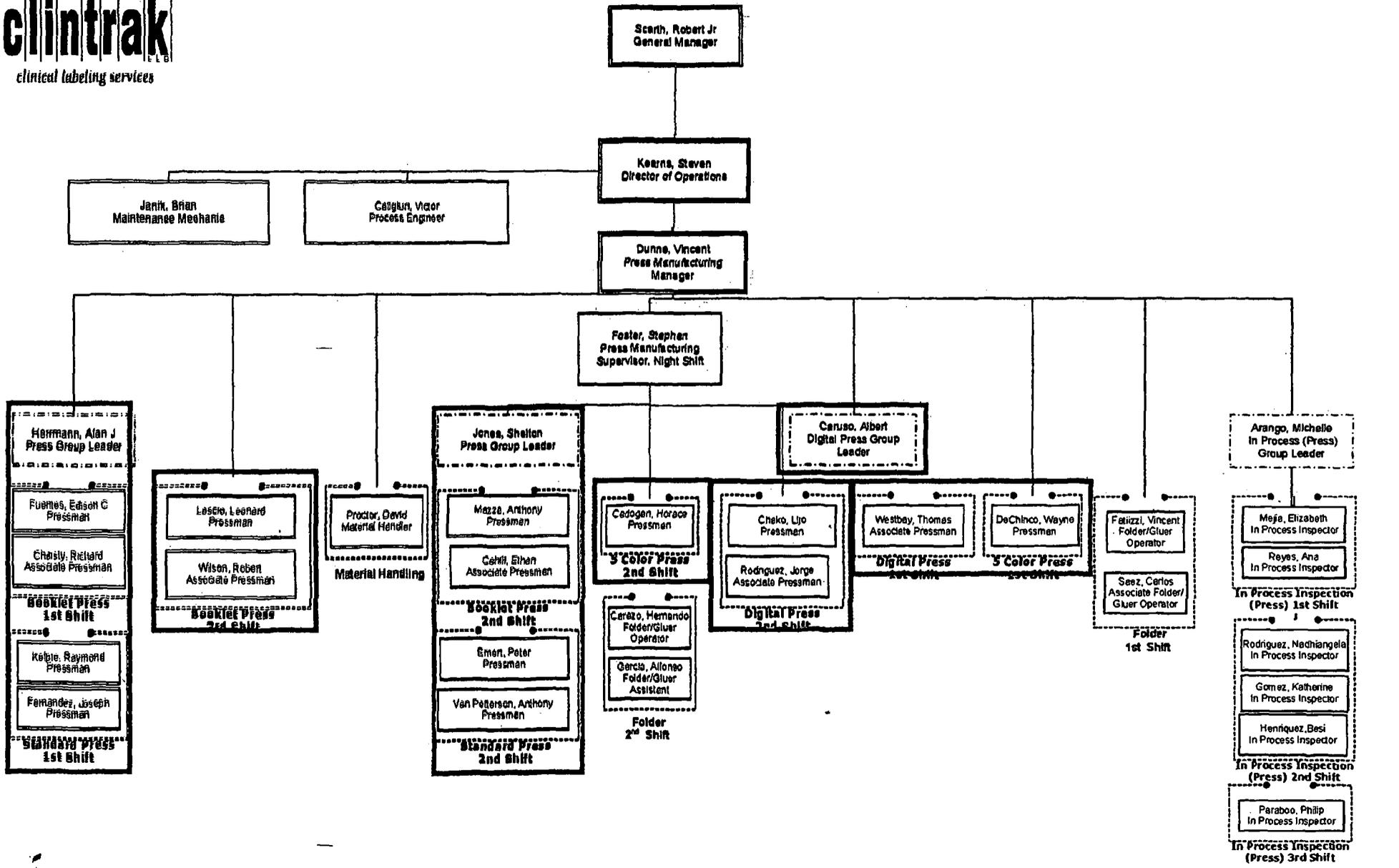
Position	Starting Wage	2+ years experience	5+ yrs. exp.	10+ yrs. exp.
Standard Pressman	\$28.00	\$30.80	\$33.88	\$37.27
5 color Pressman	\$29.00	\$31.90	\$35.09	\$38.60
Booklet Pressman-Lead	\$40.00	\$44.00	\$48.40	\$53.24
Booklet Pressman	\$35.00	\$38.50	\$42.35	\$46.59
Associate Booklet Pressman	\$22.00	\$24.20	\$26.62	
Onsert Pressman	\$30.00	\$33.00	\$36.30	\$39.93
Associate Onsert Pressman	\$24.00	\$26.40	\$29.04	
Digital Pressman	\$30.00	\$33.00	\$36.30	\$39.93
Associate Digital Pressman	\$24.00	\$26.40	\$29.04	

The following year will reflect the 3% cost of living increase every year.

2019

Position	Starting Wage	2+ years experience	5+ yrs. exp.	10+ yrs. exp.
Standard Pressman	\$28.84	\$31.72	\$34.90	\$38.39
5 color Pressman	\$29.87	\$32.86	\$36.14	\$39.76
Booklet Pressman-Lead	\$41.20	\$45.32	\$49.85	\$54.84
Booklet Pressman	\$36.05	\$39.66	\$43.62	\$47.98
Associate Booklet Pressman	\$22.66	\$24.93	\$27.42	
Onsert Pressman	\$30.90	\$33.99	\$37.39	\$41.13
Associate Onsert Pressman	\$24.72	\$27.19	\$29.91	
Digital Pressman	\$30.90	\$33.99	\$37.39	\$41.13
Associate Digital Pressman	\$24.72	\$27.19	\$29.91	





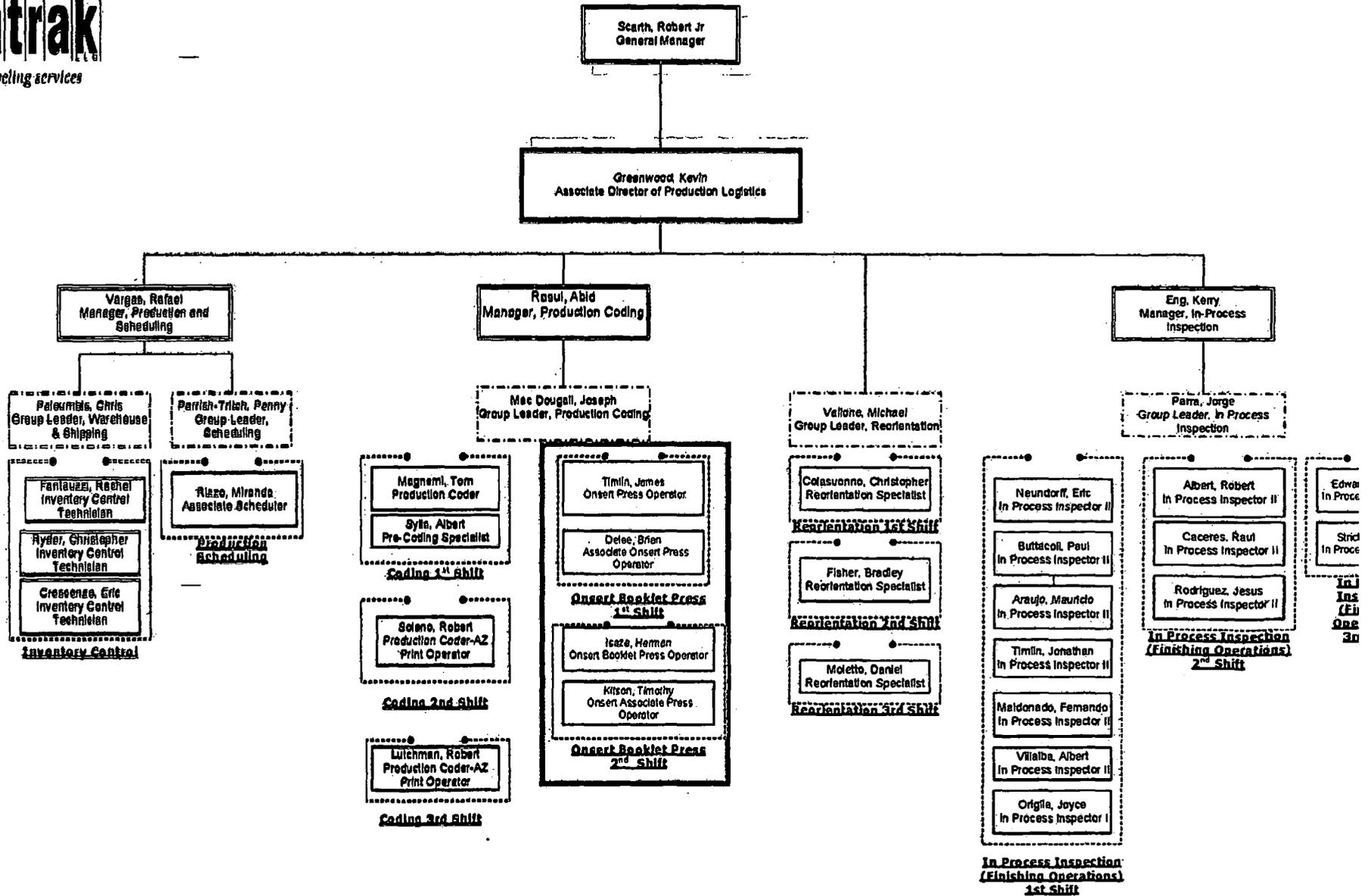


EXHIBIT K

Fitz-Maurice,
B.

Thermo Fisher Scientific
Case 29-CA-206244

Confidential Witness Affidavit

I, Anthony Van Petterson, being first duly sworn upon my oath, state as follows:

I have been given assurances by an agent of the National Labor Relations Board (NLRB) that this Confidential Witness Affidavit will be considered a confidential law enforcement record by the NLRB and will not be disclosed unless it becomes necessary to produce this Confidential Witness Affidavit in connection with a formal proceeding.

I reside at 729 Greenbriar Drive, Bohemia, New York
My home telephone number (including area code) is
My cell phone number (including area code) is 631-579-6566
My e-mail address is anthonyvanpetterson@yahoo.com
I am employed by Thermo Fisher Scientific,
located at 2800 Veterans Memorial Hwy, Bohemia, New York 11716.

1. I have worked for Thermo Fisher Scientific ("the Employer") since approximately December 2007. Initially, I was hired to work in the job title Quality Assurance Inspector. After approximately four years working as a Quality Assurance Inspector, I was promoted to work as an Associate Pressman. Approximately one year and a half ago, I was promoted to the job title of Pressman in the Press area of the Manufacturing Department. I continue to work as a Pressman today. I report to Steven Foster (Supervisor, Second Shift) and Vincent Dunn (Manager, Manufacturing Department).
2. I trained Herman Isaza as an Associate Pressman when he was hired by the Employer. Isaza struck me as an intelligent man and a conscientious worker. I noticed that he gave 100% effort and was eager to learn. I was not surprised that he was promoted repeatedly during his (approximately) three years of employment with the Employer.

Privacy Act Statement

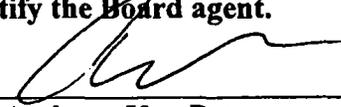
The NLRB is asking you for the information on this form on the authority of the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the NLRB in processing representation and/or unfair labor practice cases and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). Additional information about these uses is available at the NLRB website, www.nlr.gov. Providing this information to the NLRB is voluntary. However, if you do not provide the information, the NLRB may refuse to continue processing an unfair labor practice or representation case, or may issue you a subpoena and seek enforcement of the subpoena in federal court.

3. In or about early June 2017, after Isaza sent out an email and letter to me and our coworkers about unionizing, Isaza and I first spoke to me about the idea of forming a union. I have no reason to believe that any Employer representative was aware that Isaza was interested in forming a union before June 2017. As a result of Isaza's e-mail and letter in early June 2017, many Pressmen became upset with discrepancies in wages that Isaza had brought to light. I found it unfair that I was paid less than people who had worked for the Employer for much less time than I had. I don't know if the discrepancies caused any Pressmen to support the idea of a union; besides myself (and an employee named Ethan), I don't know who supported unionizing. I know that some people signed a card in support of unionizing, but those cards were kept confidential.
4. In or around the first week of August 2017, I filled out my mid-year assessment online as usual. Supervisor Foster reviewed my appraisal and sent it back to me by email. Foster told me to do it again and emphasize my responsibilities. I approached Foster and said, what does it matter, aren't you guys going to give me whatever you are going to give me? Foster said, it's important that you fill it out the correct way. I agreed, and filled out the assessment again. That was the entire conversation. Before this occasion, no supervisor had ever told me to fill out my assessment more completely.
5. In or around mid-August 2017, Darlene Lombardi (HR Director) called me into her office. Lombardi and I met alone. Lombardi said, how do you feel about the situation with the talk about the union? I said, clearly there are discrepancies here, I have been here ten years and some new people are making more than I am. Lombardi said, we're aware that you're on the lower pay scale and we're looking into it. That was the end of the meeting. Around the same time period, I noticed that Lombardi called other Pressmen into meetings in her office.

6. Later in the month of August, Supervisor Foster asked me to come into his office and gave me my mid-year review. He read the mid-year review to me, and then said, we have decided to grant you an increase of 3%. I am not sure if Foster explained why I was receiving a wage increase; Foster mentioned something about either a wage scale or a law from 2015, but I didn't understand what he said because he spoke so quickly. Foster did not give me any documentation about the wage increase. Before this, I had never received a wage increase with my mid-year review. In the ten years that I have worked for the Employer, I have received a wage increase every year (or almost every year) with my year-end review, effective April, usually ranging from one to two percent. Before my 2017 mid-year review, every time that I had received a wage increase, the Employer had provided me with a document showing my current pay, the amount of the adjustment, and my adjusted pay. I found it unusual that I did not receive any document when I received a 3% wage increase with my mid-year 2017 review.
7. Before the Employer terminated Isaza, I signed a card in support of the union that Isaza was forming. Other than Isaza, I discussed the idea of the union with some of my coworkers, but no one came out and said that they supported the union, I think because they were afraid of retaliation. The main exception was an employee named Ethan (Press Assistant), who openly supported the union.
8. Since the Employer terminated Isaza, I have not heard any employees discussing the idea of unionizing, or taking any steps towards forming a union (including Ethan).

I am being provided a copy of this Confidential Witness Affidavit for my review. I understand that this affidavit is a confidential law enforcement record and should not be shown to any person other than my attorney or other person representing me in this proceeding.

I have read this Confidential Witness Affidavit consisting of 3 pages, including this page, I fully understand it, and I state under penalty of perjury that it is true and correct. However, if after reviewing this affidavit again, I remember anything else that is important or I wish to make any changes, I will immediately notify the Board agent.

Date: Nov 15, 2017 Signature: 
Anthony Van Petterson

Signed and sworn to before me by telephone on November 15, 2017

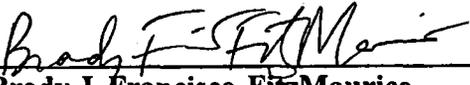

Brady J. Francisco-FitzMaurice
Board Agent
National Labor Relations Board

EXHIBIT L

Confidential Witness Affidavit

I, Anthony Mazza, being first duly sworn upon my oath, state as follows:

I have been given assurances by an agent of the National Labor Relations Board (NLRB) that this Confidential Witness Affidavit will be considered a confidential law enforcement record by the NLRB and will not be disclosed unless it becomes necessary to produce this Confidential Witness Affidavit in connection with a formal proceeding.

I reside at 892 Bay 9th Street, West Islip, New York 11795

My home telephone number (including area code) is n/a

My cell phone number (including area code) is 631-836-3413

My e-mail address is maznme2@yahoo.com

I am employed by Clintrak Clinical Labeling Services, a subsidiary of Thermo Fisher Scientific, located at 2800 Veterans Memorial Hwy, Bohemia, New York 11716.

1. I have worked for Thermo Fisher Scientific ("the Employer") since approximately February 2013. When I was first hired, I held the job title of Pressman on the booklet press in the Press Department. I continue to work as a Pressman on the booklet press today. I report to Steven Foster (Supervisor, Second Shift) and Vincent Dunn (head of the Press Department).
2. In or around June 2017, Herman Isaza first mentioned to me the idea of forming a union. Isaza and I spoke alone in my home. Isaza brought up the idea to me when he said that he was thinking about starting a union to make our wages fair across the board. I agreed that forming a union was a good idea. Isaza explained to me the process of forming a union,

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including that he would speak to our coworkers about the union, then collect signed union cards, and then notify the authorities to conduct an election. Isaza also mentioned that we could join a pre-existing union or form our own union. I said I would try to help him.

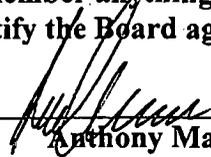
3. In or around the first or second week of June 2017, Isaza distributed a letter (dated June 7, 2017) to a number of employees of the Employer. I received a copy of the letter by email. When Isaza distributed the letter, my coworkers began discussing the idea of forming a union. In addition, after Isaza distributed the letter, the Employer (by Bob Scarth and Darlene Lombardo) held approximately four town hall meetings from June through August 2017 to discuss the union. At each meeting, Scarth explained to employees why the union would be bad for the employees. I received emails telling me to attend the town hall meetings, and also heard about the meetings by word of mouth; I don't believe the email said that the meetings were "mandatory," but based on my experience working for the Employer. all meetings that the Employer holds are mandatory.
4. In or around June 2017, I know that some of my coworkers supported forming a union. I spoke to approximately six people (all either Pressmen or Associate Pressmen), who said they supported the idea of forming a union but had some questions.
5. On or about July 28, 2017, Isaza handed out copies of a letter entitled, "RE: Union Pay Scale," in the Press room. Just about everybody working in the Press room looked at the letter and discussed it.
6. Around the first week of August 2017, I learned that I would receive a wage increase during my mid-year review (called PMD) with Dunn and Foster in the conference room.

The meeting began when Foster read out loud from my written review, including my job performance and my goals. At the end of the meeting, Foster said, you're going to get a wage adjustment of five (5) percent. Foster didn't explain why I was getting a wage increase. I said, thank you. I didn't ask why I was getting a wage increase. I found it unusual that my wage rate was changed during the mid-year review because I had never heard of any employee of the Employer having their wage rate changed at any time other than the year-end review. Typically, employees receive a merit-based increase to their wages when year-end reviews are delivered in late February or early March.

7. After the Employer implemented wage increases in or around August 2017, some of my coworkers who had been on the fence about supporting the union didn't think that the union was a good idea anymore. After the wage increases, I asked about three of my coworkers (either Pressmen or Associate Pressmen) who had previously been interested in the union if they were still interested in the union, and they said they were no longer interested.
8. In or around the first two weeks of September 2017 (before Isaza was terminated), I collected approximately two cards in support of the union. I expect to receive one more signed card from a coworker within the next week or two.
9. On or around September 14, 2017, the Employer terminated Isaza. Since Isaza was terminated, none of my coworkers bring up the subject of the union (other than myself). I have spoken to two coworkers about cooperating with the labor board's investigation. Those two people said they had been contacted by an agent of the labor board, and asked if I knew anything about it. In each case, I assured the person that it was okay to speak to the board agent.

I am being provided a copy of this Confidential Witness Affidavit for my review. I understand that this affidavit is a confidential law enforcement record and should not be shown to any person other than my attorney or other person representing me in this proceeding.

I have read this Confidential Witness Affidavit consisting of 3 pages, including this page, I fully understand it, and I state under penalty of perjury that it is true and correct. However, if after reviewing this affidavit again, I remember anything else that is important or I wish to make any changes, I will immediately notify the Board agent.

Date: 11/20/17 Signature: 
Anthony Mazza

Signed and sworn to before me by telephone on November 20, 2017


Brady J. Francisco-FitzMaurice
Board Agent
National Labor Relations Board

Initials: 

EXHIBIT M



Date: August 7, 2017

To: Herman Isaza

From: Abid Rasul

Subject: Final Written Warning

This memorandum serves as a final written warning as a result of your conduct during the discussion that you and I had regarding your failure to meet and sustain performance expectations. On June 6, you were issued a written warning stressing the importance of communicating to coworkers and your manager in an appropriate manner that will foster effective teamwork and communications within the coding group. It was emphasized that the tone and manner in which you communicate with both your peers and me, your manager, demonstrates a lack of respect and openness to fostering effective communication and must be improved immediately

On August 3, you, Tim Kitson and I met in my office to discuss and identify potential reasons for downtime in the start and end of the shift. Our discussion was intended to identify ways in which we can operate more efficiently and identify process improvements. I referenced 5 incidents during the period of July 27 to August 2, in which jobs were not initiated on the machine until 30 minutes or more after the shift start time.

Date	Time Job Was Initiated	Lapse from Start of Shift
27-Jul	11:36 p.m.	1:06
30-Jul	11:05 p.m.	:35
31-Jul	11:27 p.m.	1:07
1-Aug	11:26 p.m.	1:06
2-Aug	11:53 p.m.	1:23

During the course of our discussion, you slammed your fist on my desk. This behavior was threatening and detrimental to effective communication. Such behavior is a violation of Thermo Fisher Scientific's U.S. Workplace Anti-Violence Policy. As outlined in the policy, the company "believes in the prevention of workplace violence, *threats of violence*, harassment, intimidation, and other disruptive behaviors and promotes a violence-free workplace in which all people respect one another and work together to achieve common goals. Any acts of workplace violence committed by or against any of our employees is unacceptable conduct that will not be tolerated."

Slamming your fist on my desk is not acceptable and will not be tolerated. The expectation is that you are to use appropriate, professional workplace behavior and treat fellow colleagues with respect at all times in the workplace. You are expected to

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participate in constructive, two-way dialogue and escalate issues to management in the event that communication breakdowns occur. In addition, you are required to read and sign Thermo Fisher Scientific's U.S. Workplace Anti-Violence Policy as confirmation that you have read and understand the policy.

Any further violation of Thermo Fisher's policies by you will be reviewed and you will be subject to disciplinary action up to and including termination of employment.

It is my firm hope that bringing these issues to your attention will provide you with an opportunity to correct them and display satisfactory workplace conduct.

Please sign below. Your signature on this document is an acknowledgment that this matter has been discussed with you and you have reviewed this document prior to inclusion of it in your personnel file. Your signature is not an indication of agreement or disagreement of the deficiencies that are outlined in this document.

Employee Signature Refused to sign Date 8/7/17
Supervisor Signature April Powell Date 8/7/17

Employee Comments:

EXHIBIT N

Name Isaza, Herman Andrew
 Title Pressman Onsert Press
 Location US - Bohemia, NY Division BioPharma Services
 Manager: Abid Rasul (00173839)

Performance Goals

Goal	Complete All IComply and ThermoFisher University Training on time
Description	All training should be completed 100% on time. Review the system(s) for upcoming training due dates and ensure that the training is completed before the due date; this includes completing any testing to a satisfactory level. If you fail an exam or will need additional time, it is your responsibility to review with your direct supervisor prior to the due date.
Status	Green - In Progress
Employee Evaluation	
Manager Evaluation	Herman has met expectations of completing all his training assignment on-time. Please keep up this positive trend for the remainder of the year.
Goal	Cross-trained on all areas within the coding team
Description	This is a goal for every coding team members and will vary depending volume and coverage requirements to meet goal by year end. This will help to create work life balance within team and create more opportunities.
Status	Green - In Progress
Employee Evaluation	
Manager Evaluation	Herman is on board with the cross-training initiatives and came in on first shift for training on the Meto Laser printer. Herman can now operate all equipment within the coding department and can be moved around from printer to printer to cover any void to meet our customer needs. I'll continue to work with Herman to improve his skillset by having him print jobs on the other areas throughout the year to maintain his training of the other areas instead of just the Onsert printer.
Goal	Daily Pacing/Production Goals
Description	Each Coder will need to meet 80% of pacing goals minimum daily which will be reviewed weekly, monthly and annually on Gemba board. Within an 8 hour shift, operator should be able to complete 6.4 hours of standard production work.
Status	Yellow- In Progress
Employee Evaluation	

Performance Goals

Manager Evaluation	Each coder should achieve 6.4 hours of work daily for normal production jobs. The remaining time is for reprints, replacements, iComplys and possible trouble-shooting of minor printer related issues. There are many instances where the Onsert production jobs are not being completed overnight with unaccounted time at the beginning and end of shift which have been discussed on a number of occasions. I would like to see Herman collaborate with his associate operator to look for ways to be efficient and productive in achieving pacing goals with consistency. In the near future, I'll establish a pacing chart on Gemba board for the Onsert printer as we do for the standard printers.
Goal	Ensure Batch Record Accuracy.
Description	Ensure that the Batch Record Accuracy from your group is 90% or greater as measured on a monthly and allowed 2 maximum per month. Successful completion of goal can also be measured by a yearly summary of greater than 90%
Status	Red - In Progress
Employee Evaluation	
Manager Evaluation	Herman received a verbal warning on January 27, 2017 for batch record concerns. He fell short of the goal of having 5 recorded incidents which resulted in a written warning on July 28, 2017. The written warning was failure to follow the established Clintrak processes/procedures in completing batch record paper work for all computerized production jobs as per cGMP guidelines. Year to date, Herman has a total of 13 batch record errors (3 in March, 2 in May, 5 in June, and 3 in July). Herman and I will have 1on1 discussion throughout the remainder of the year to help him achieve this goal of having only 2 or fewer recorded incidents per month to be aligned with goal.
Goal	Increase 1st Pass Right (Decrease Errors).
Description	Reprints error goal of 1.75% annually to help with the rework cost by 10%
Status	Green - In Progress
Employee Evaluation	
Manager Evaluation	Herman has made some progress on this goal from last year with having only a 0.06% error rate for 776,214 labels printed. Both Onsert operators collectively computerized 880,490 labels with 628 rejected labels for a low failure rate of 0.07% which is in alignment with goal.
Goal	Increase Automatic Inspection Machine Utilization
Description	Increase Auto Inspection machine utilization to 90% of all Coded Labels as measured monthly and yearly. It is a collective Goal between Coding and IPI to achieve 90%. We need to computerized all Laser work soon so that IPI can utilized the ABC vision system.
Status	Green - In Progress
Employee Evaluation	
Manager Evaluation	Herman is the primary Onsert print operator overnight and is helping out the team achieve goal by using the vision system. Herman can help the team to exceed the goal by completing all jobs paced for him overnight. Since, he was trained on the Meto Laser printer, Herman has provided support on this printer as needed to get jobs out to IPI sooner to utilize the stand alone vision system. Thank you for all your efforts and support

Performance Goals

	to help team achieve this goal.
Goal	Update Troubleshooting Log for All Issues in Share Drive
Description	A Troubleshooting Log will be Added to the Share Folder in H:\Coding\Team Master Troubleshooting Log. This log will have individual tabs for AZ, Onsert and Laser with detail and screenshot of the issue and what was done to rectify the issue. This will help all operators to troubleshoot any prior issues with ease by reviewing the log.
Status	Yellow- In Progress
Employee Evaluation	
Manager Evaluation	Employee couldn't start this goal because manager did not complete a file and setup example as of yet. Manager is hoping to have this initiated and ready to use early September of 2017.

Development Goals

Goal	Looking to develop Self to Move into Leadership Role
Description	<p>Master current team processes, taking training seminars and work with cross-functional teams to improve self to prepare me to transition into a leadership role with company.</p> <p>AR - Herman will need to work on improving his communication skills and teamwork to more effectively engage with different work styles and problem solving without becoming frustrated. It is recommended that Herman explore alternative ways to collaborate and engage in constructive dialogue with his peers and management.</p>
Status	In Progress
Goal	Management courses and education.
Description	<p>Enroll in and complete any management courses provided by ThermoFisher to eventually transition to a management career track.</p> <p>AR - At present, no current leadership positions are available but it is recommended that Herman needs to improve on his 4i values and leadership competencies. Also, Herman can search Thermo Fisher University for a course he would like to take to better himself in his current role and to grow into his career aspiration of becoming a manager.</p>
Status	In Progress
Goal	Continue training on all Processes in the Coding Department
Description	<ul style="list-style-type: none"> • Learning the process on the On-Sert Printer, the off line TT64 Digital reprint and replacement printer, Pre-Coding steps and learn the processes for the Laser Printers. • Mid-Year- good progress- the laser printer will be a bonus, but not a requirement. <p>A.R. - Herman has met expectations on these goals and has been trained in the other areas and if additional training is required, he'll let me know.</p>
Status	Complete

Employee Evaluation	
Manager Evaluation	<p>Herman has met expectations on iComply training, rejection rate, automated inspection goals. Herman can now operate all equipment within the coding area since he has finished up his training on the Meto laser printer in March and April of this year.</p> <p>Herman struggles to have jobs computerized and setup in a timely fashion and on numerous occasions has not met his pacing of 6.4 hours of production runs. This causes undue hardship to the coding and IPI operations. When I have questioned Herman's productivity, on multiple occasions he is difficult, challenging and disruptive. He received a written warning on June 6, 2017 for lack of effective communication and teamwork. Improvement is needed regarding the tone and manner in which he communicates with both his peers and me. In addition demonstration of openness to fostering effective communication and respectfulness.</p> <p>On August 7th, Herman received a final written warning for disruptive and threatening behavior which is not conducive to effective communication and performance.</p> <p>Herman needs significant improvement on these behavioral concerns and needs to correct them immediately. He has received a number of warnings to date: two verbal warnings (batch records & attendance), two written warnings (batch record, teamwork and communication) and a final written warning (inappropriate conduct and communication). I will continue to work and support Herman in his efforts to improve in both his strengths and weaknesses for the remainder of the year.</p>

EXHIBIT O

ThermoFisher
SCIENTIFIC

Date: August 23, 2017

To: Herman Isaza

From: Abid Rasul

Subject: Final Written Warning

This memorandum serves as a final written warning about the discussion that you and I are having today regarding your failure to meet and sustain the performance expectations required of your position. On July 28, you received a written warning regarding the importance of following established Clintrak processes and procedures for completion of batch record paper work associated with computerized production runs. On August 15, 2017, you failed to follow the correct procedure for completion of inline reprints (Form F0538). Specifically, on Job#1110-064-15 RL#20 you manufactured rejected CTK samples within the inline reprinted labels in the same production run which is in violation of SOP/WI 1500.1 and 1500.22. It is a procedural violation to run CTK samples within the inline reprinted labels as it could cause sample labels to be integrated into "live runs" resulting in the potential mislabeling of a drug product and/or label miscounts. This type of error, had it not been detected internally, could have resulted in a potential patient impacting event and/or packaging delays.

Prior to this incident, we met on five occasions (1/6/17, 2/14/17, 4/27/17, 5/1/17, and 5/31/17) to review other incidents in which form F0538 was not completed properly and discuss proper procedures. Improvement and sustained performance is required. Adherence to all work instructions and standard operating procedures while performing your position is critical in meeting cGMP requirements and ensuring client confidence in our products and services.

Any further violation of Clintrak processes and/or procedures by you will be reviewed and you will be subject to further disciplinary action up to and including termination of employment.

It is my firm hope that bringing this issue to your attention will provide you with an opportunity to correct it and resume satisfactory performance.

Please sign below. Your signature on this document is an acknowledgment that this matter has been discussed with you and you have reviewed this document prior to inclusion in your personnel file. Your signature is not an indication of agreement or disagreement of the deficiencies that are outlined in this document.

Employee Signature Refused to Sign Date 8/23/17

Supervisor Signature Abid Rasul Date 8/23/17

Employee Comments:

EXHIBIT P

REQUEST TO TERMINATE EMPLOYMENT FOR PERFORMANCE OR CAUSE
(For HR & Legal Use Only)

Division VP HR approval is required before legal review. If Legal review is needed, please send this completed form and all supporting documentation to your designated Group Employment Counsel.

Once approved, the termination should occur within two (2) weeks of approval date.

Employee name: Herman Isaza	Request Date: 9/08/2017
Job Title: Pressman Onsert Press	Group/Division/Location: Pharma Services Group/Clinical Trials Division/Bohemia
Date of Hire: 8/04/2014	Band and Track: Associate Track, Band 3
FLSA Status: Non-exempt	Approved by Division HR VP? <input type="checkbox"/> Yes <input type="checkbox"/> No Division HR VP's name <u>Kia Christian</u>
Hourly Rate/Salary: \$25.52 hr/\$53,082.43	Leave of Absence in past 12 months? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, include dates and type of leave (FMLA, Workers' Compensation, Military, etc.):
Is this employee a member of a Collective Bargaining Unit (union member)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, provide a copy of the CBA and identify the provisions under which termination is being requested and provide history of any prior violations of the CBA.
List Gender/Age/Race/known disability Male/29 years/Hispanic/ None Known	Any other relevant protected class? (religion, sexual orientation, national origin, pregnancy, military, gender identification, etc.) None Known
Reason for termination: Attendance (approval not required for simple attendance issues) Failed PIP Falsification of Records Insubordination Job Abandonment Discipline Violation Harassment Safety Violation Policy Violation Failed to Sustain Improvement from PIP Other: Performance	

If termination is related to a policy violation, please attach the policy and highlight the violated section.

N/A

Are there any offer letters or agreements in the employee's personnel file addressing severance pay? Yes No

If yes, attach the relevant document to the Request for Termination.

Has this employee ever submitted a request for a medical accommodation: Yes No

If yes, please provide details.

Provide dates of verbal warnings issued within the last 24 months. Attach signed documentation.

1. Verbal Warning - 1/27/17
2. Verbal Warning - 2/28/17
- 3.

Provide dates of written warnings issued within the last 24 months. Attach signed documentation.

1. Written Warning - 6/07/17
2. Written Warning - 7/28/17
3. Final Written Warning - 8/07/17
4. Final Written Warning - 8/23/17

Provide the ratings for the employee's last three PMDs and attach the employee's 3 most recent signed PMDs and any midyear reviews.

Rating	Date
1. At Standard (AS)	Year-End 2015
2. At Standard (AS)	Year-End 2016
3. Not Applicable	Mid Year 2017

Summarize the relevant background and specific reason(s) for the request of termination:

Herman Isaza has received progressive disciplinary written warnings for both unsatisfactory performance and inappropriate workplace behavior. His performance issues include multiple incidents of failing to follow established processes and procedures for completion of batch record paperwork associated with computerized production runs, failure to follow and document proper equipment maintenance, and unaccounted time at the beginning and end of his shifts on multiple occasions. In addition, Herman has not demonstrated the ability to sustain appropriate, professional workplace conduct. He has been repeatedly counseled on his failure to communicate to coworkers and his manager in an appropriate manner that fosters effective teamwork and communication. Herman's unacceptable interaction with peers and lack of participation in departmental meetings and during shift hand-offs resulted in a written warning. On August 3, Herman slammed his fist on his manager's desk during a meeting in a manner that was threatening and detrimental to effective communication. Most recently, on August 31, Herman's whereabouts at the beginning of his shift were unknown and he failed to complete assigned work for 1 hour and six minutes into his shift. His performance and behavior is not satisfactory nor conducive to an effective work environment.

Has there been a gap in time (two weeks or more) from the date of the last event causing us to consider termination and the date Legal receives the request to terminate? Yes No

If yes, explain the reason for the delay and include the rationale for why moving forward with termination of employment is consistent with HR philosophy toward employee management.

Has this employee filed a worker's compensation claim in the previous 12 months?
 Yes No

If yes, please provide details.

Has the employee ever been accused of or complained about harassment/discrimination/workplace issues either generally now or in the past or complained about harassment/discrimination/workplace issues specifically related to the performance actions?
 Yes No

If yes, please provide a summary of the complaint and actions taken to date to investigate and respond to the employee.

On June 22, 2017, Herman Isaza, James Timlin, and Abid Rasul were engaged in a discussion regarding the status of work completed during third shift on the evening of June 21, 2017. During the course of the conversation, James Timlin made a statement which referenced "attacking someone and taking them out back" in his conversation with Herman Isaza. Herman complained to Human Resources that he found the statement threatening and an investigation was conducted. Following a complete investigation it was recommended that James Timlin's statement and admission to stating the words "If I was going to attack someone, I would meet them outside and discuss it with them." could be perceived as a personal threat which is in direct violation of Thermo Fisher Scientific's U.S. Workplace Anti-Violence Policy. Given that James is a long tenured employee with no prior history of statements of this nature or disruptive workplace behavior and that there is no evidence that he intended to threaten or harm Herman, a verbal warning on the importance of appropriate, professional workplace language and behavior was issued and James was required to review and sign Thermo Fisher Scientific's U.S. Workplace Anti-Violence Policy.

If no, has the employee participated in an investigation of such complaints in the last 12 months?
 Yes No

If yes, please provide a summary of the investigation and the employee's role in the investigation.

Note: Attach the related investigation notes or report, employee's response, witness statements and actual/proposed response letter to complainant closing the investigation

What is the likelihood of litigation as a result of the termination; i.e. risk factors identified by HR (has person mentioned discrimination, having a lawyer, unfair treatment allegations, etc.).

The likelihood of litigation is high. Herman has referenced that the performance management he has received is retaliatory based on his efforts to organize a union at the site.

Have alternative disciplinary options been considered prior to deciding to terminate?

Yes

No

If yes, please explain those alternatives and viability of alternatives. If no, explain why there are no alternatives to termination.

Herman has received both coaching and six progressive disciplinary warnings on his unsatisfactory behavior and performance. In addition, on July 7 he participated in a 4 hour DiSC training with his department colleagues designed to foster understanding of individual and peer work styles in an effort to assist him in building collaborative relationships both within his team and with other departments.

Include here any other relevant information known to you about the employee and request to terminate employment:-

Since his date of hire on 8/04/17, Herman has always worked third shift during the hours of 10:30 p.m. to 7:00 a.m. Supervision during this shift is limited with coverage predominately at the beginning and end of the shift. Over the course of the last year, closer monitoring of productivity and a heightened need for interaction between shifts, resulted in Herman's performance issues becoming more apparent. In addition, during this time period, Herman's position changed from an Ink Jet Operator which is an individual contributor role to an Onsert Pressman which is a team based position and requires more extensive interactions with others and revealed Herman's unsatisfactory interpersonal skills.

Attach to the requesting email any other documents, such as e-mails, Memos or other communications with the employee that are being used as the basis for termination recommendation.

Is this employee currently on a PIP?

Yes

No

Date PIP began: _____

Date PIP expired/expires: _____

Was PIP extended:

Yes

No

Attach a copy of the signed PIP and the manager notes from PIP meetings

**What is the employee's perspective of the PIP and his/her performance under the PIP?
(has stated the PIP is fair, acknowledges he or she is not succeeding, etc.)**

Note: If the request to terminate comes prior to the expiration of the PIP, explain the basis for the request to terminate prior to expiration of the PIP. Only particularly egregious mistakes/lack of effort will be an acceptable basis to terminate employment prior to expiration of PIP.

EXHIBIT Q



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 29
Two Metro Tech Center
Suite 5100
Brooklyn, NY 11201-3838

Agency Website: www.nlr.gov
Telephone: (718)330-7713
Fax: (718)330-7579

Agent's Direct Dial: (718)765-6192

October 11, 2017

Patrick L. Egan, Esq.
via e-mail: eganp@jacksonlewis.com

Re: Thermo Fisher Scientific
Case 29-CA-206244

Dear Mr. Egan:

I am writing this letter to advise you that it is now necessary for me to take evidence from your client regarding the allegations raised in the investigation of the above-referenced matter. Set forth below are the allegations and issues on which your evidence is needed, a request to take affidavits, a request for documentary evidence, and the date for providing your evidence.

Allegations: The allegations for which I am seeking your evidence are as follows. Herman Isaza ("Charging Party") alleges that since about June 8, 2017 and continuing, Thermo Fisher Scientific ("Employer") has retaliated against the Charging Party by imposing more onerous working conditions (including sped up pacing schedules), unfairly disciplining him, issuing him unfavorable appraisals, disregarding his complaints of harassment, and terminating him because he engaged in protected concerted activities and union activities, in violation of Sections 8(a)(1) and (3) of the National Labor Relations Act ("the Act").

In addition, the Charging Party alleges that the Employer has discriminatorily granted raises to employees in response to union activity, in violation of Sections 8(a)(1) and (3) of the Act.

Board Affidavits: I am requesting to take affidavits from Robert Scarth, Jr. (General Manager), Kevin Greenwood (Associate Director of Production Logistics), Abid Rasul (Manager, Production Coding), Darlene Lombardo (Human Resources) and any other individuals you believe have information relevant to the investigation of this matter. Please be advised that the failure to present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge. If your client is willing to provide affidavits, please provide their availability during the period from November 1, 2017 through November 9, 2017. Please provide this information by October 18, 2017.

Documents: Please provide the following documents, along with any and all other evidence you deem to be relevant to the case. Unless otherwise noted, all requests pertain only to employees employed by the Employer at the facility located at 2800 Veterans Memorial

Highway, Bohemia, New York ("Bohemia facility"). Additionally, unless otherwise noted, all requests pertain to the period from March 1, 2016 to the present.

1. An organizational chart and/or charts showing the supervisory structure of the Employer's Bohemia facility.
2. A list of all non-supervisory employees, including job title, first and last name, address, telephone number, and email address (to the extent that the Employer maintains such information).
3. The complete personnel file for Herman Isaza, including but not limited to all disciplinary records, performance appraisals (mid-year and year-end), and job descriptions.
4. All employee handbooks, rules, and/or policies that Isaza allegedly violated, and which formed the basis for any unfavorable appraisal, discipline, and/or termination that the Employer imposed on Isaza.
5. Documents showing that the handbooks, rules and/or policies responsive to request #4 were distributed to employees, including Isaza.
6. Documents showing any unfavorable appraisals, disciplines and/or terminations that the Employer imposed on other employees for violating the handbooks, rules and/or policies responsive to request #4.
7. For each press operator and/or pressman, documents showing:
 - a. The employee's reprint rate;
 - b. The amount and type of the employee's batch record errors;
 - c. The employee's failure(s) to document equipment maintenance;
 - d. The time at which the employee initiated the first job of their shift;
 - e. The employee's pacing schedules.
8. Documents showing changes to the areas that any employee can access using his or her keycard.
9. Documents, including but not limited meeting notes, showing any complaint made by Isaza, on or about June 22, 2017, to the Employer's Human Resources department pertaining to employee James Timlin, and documents pertaining to any subsequent investigation performed by the Employer and/or resolution.
10. Internal communications among the Employer's supervisors and/or managers pertaining to the decision to issue an unfavorable appraisal, discipline and/or termination to Isaza.
11. Any document showing that the Quality Assurance department had concerns pertaining to the Charging Party's batch records, and brought those concerns to

the attention of the Employer's supervisors, managers, and/or human resources department.

12. Any document showing that the Employer issued a verbal warning to the Charging Party on or about January 27, 2017.
13. Documents showing communication, including e-mails, from the Employer to employees pertaining to "town hall" meetings, unionization at the Bohemia facility, or unions generally.
14. Any powerpoint presentations, scripts, and/or notes from which any of the Employer's supervisors and/or managers read during any meeting pertaining to unionization at the Bohemia facility, or unions generally.
15. Documents, including payroll documents, showing the wage rate of each employee throughout the relevant period.
16. Internal communications among the Employer's supervisors and/or managers pertaining to the decision to implement, in or around August 2017, increases to certain employees' wage rates.

Position on 10(j) Relief: You are also requested to provide your position as to the appropriateness of Section 10(j) injunctive relief in this matter. As you may know, Section 10(j) of the Act permits the NLRB to ask a federal district court "for appropriate temporary relief or restraining order" pending the Board's resolution of an unfair labor practice charge. The district court is authorized to grant "such temporary relief or restraining order as it deems just and proper." If the Region determines the Charged Party has violated the Act as alleged, the Region will consider whether to seek injunctive relief in this matter. Accordingly, please provide your position, legal theory, case law, and supporting evidence regarding whether injunctive relief would be appropriate for the alleged violations in this case and whether such injunctive relief would be just and proper. I wish to emphasize that the Region has not yet made a decision as to whether the Charged Party has violated the Act as alleged. Rather, we want to provide you with adequate notice that injunctive relief will be considered if such a decision is made.

Date for Submitting Evidence: To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter by **October 25, 2017**. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to www.nlr.gov, select E-File Documents, enter the NLRB case number, and follow the detailed instructions. If I have not received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (718)765-6192, or e-mail, brady.francisco-fitzmaurice@nlrb.gov, so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

/s/ Brady Francisco-FitzMaurice

Brady J. Francisco-FitzMaurice
Field Attorney

EXHIBIT R



Date: 9/16/15
To: Rob Solano
From: Joe Mac Dougall
Subject: Written Warning – Failure to follow written procedures

This memorandum serves as a written warning about the discussion that you and I are having today about the failure to follow established Work Instructions. My intention in bringing this issue to your attention is to provide you with the opportunity to make immediate improvements and ensure that there are no future occurrences.

On 9/9/15 the Director of Quality brought an issue to my attention where you had failed to follow written procedures. On 9/8/15 you ran PDR230975 and failed to get the proper Start-Up Verification by an IPI or another Production Coder. This is a direct violation of written procedures and training I provided on not using the further Inspection Form for this type of communication. I understand that you were attempting to meet our pacing schedule, as I appreciate your vision to help ensure that customers get their labels on time, but procedures should never be deviated from without prior written authorization from management.

There was an issue with Astra Zeneca Digiplay labels dating back to 2014 that were identified to have the incorrect core tag identifying the roll and were placed in the incorrect container from a different Label ID. This caused reprint labels to incorrectly ship out to the packaging site and ultimately to the patient where the drug product was misbranded and not representative of what was actually inside the container. You were the last person to touch the labels before the issue was identified through a very thorough investigation and the cause of the label mix-ups led back to this. This was a major patient impacting event that has the potential to not only destroy Clintrak's quality reputation, but it also has the potential to negatively impact the patient and the study.

During a recent Audit by Novartis, there was an observation that the challenge was not performed by either operator for a month. This is unacceptable and is the responsibility of both shifts to ensure that it has been completed. This needs to be monitored and reviewed on a daily basis to ensure it has been completed each week. On 9/15/15 I set up an Outlook item to remind you that this needs to be completed.

You and I have had discussions around doing returns and ensuring that remote replacement stock requested is getting handed off with the job, but these items are not being completed on a consistent basis. The idea that the next guy will take care of it has to change.

This warning serves as notice that any further incidents of failure to follow procedures will result in further disciplinary action, up to and including termination of employment. It is my firm hope that bringing these issues to your attention will provide you with an opportunity to make immediate improvements.

Please sign below. Your signature on this document is an acknowledgment that this matter has been discussed with you and you have reviewed this document prior to inclusion in your personnel file.

Employee Signature _____

Date 09/16/15

Supervisor Signature _____

Date 9/16/15

EXHIBIT S



Date: 2/1/16
To: Tom Farino
From: Joe Mac Dougall
Subject: Written Warning – Attendance and Lack of Productivity

This memorandum serves as a written warning about the discussion that you and I are having today about your attendance and productivity. My intention in bringing this issue to your attention is to provide you with the opportunity to make immediate improvements and ensure that there are no future occurrences.

On 12/15/15 observations were made that you were spending too much time away from the machine and leaving the operator to run the machine by himself. In addition it has come to my attention, that you are taking way too many phone calls and going outside to smoke 8-10 times a night.

On 12/16/15 you and I had a discussion around your pattern of using unplanned Time Off with no available PTO hours left. I explained that this was not acceptable and to make the necessary changes to ensure it doesn't happen again.

On 12/17/15 Stephen Foster had also spoken to you regarding taking too many smoke breaks and that he really needs you focused and in the room helping James run the machine. The following day you and I also had the same conversation as I followed up on Stephens's conversation he had with you and I re-emphasized the same concerns. This was a verbal warning.

Since this time you have left early or been absent 7 times on the following dates: 1/11/16 left early, 1/12/16 left early, 1/19/16 left early, 1/20/16 out, 1/21/16 left early, 1/26/16 left early and 1/28/16 left early. This is unacceptable and needs to change immediately. This puts the Operator in a bad position to have to run the machine by himself and impacts both safety and productivity on the press. Most recently, today (2/1/16) you have not reported to work at the start of your shift and I have not received a call or text to inform me you were running late. This is unacceptable and impacts the department's operations.

Door punches for the week of 1/18/16 – 1/22/16 were pulled and it has been identified that you come and go way too often and this identifies that you spend way too much time away from your work area. This corroborates that you are spending too much time outside and not at your work station. On Monday 1/18/16 there were 11 door punches made coming back into the building and 5 in the building coming back into the Coding Area. On Tuesday 1/19/16 there were 7 door punches coming back into the building; on a day where you had also left early. On Thursday 1/21/16 there were 7 door punches coming back into the building on a day where you had also left early. On Friday 1/22/16 you had 4 door punches coming back into the building and 3 other door punches coming back into the Coding Area.

This warning serves as notice that any further incidents of absenteeism and lack of productivity will result in further disciplinary action, up to and including termination of employment. It is my firm hope



Date: 4/19/16
To: Tom Farino
From: Kevin Greenwood *KG*
Subject: Final Written Warning – Attendance and Lack of Productivity

This memorandum serves as a final written warning about the discussion that you and I are having today about your unplanned absences and incomplete shifts. My intention in bringing this issue to your attention is to provide you with the opportunity to make immediate improvements and ensure that there are no future occurrences.

In December of last year, you were given a Verbal Warning about spending too much time away from your work area and you assured us that it would not be a problem going forward. On February 1st, 2016, you were issued a Written Warning regarding time and attendance problems and productivity concerns. It was reviewed that your time away from the work area as a result of too many breaks and unplanned absences was drastically impacting the productivity of the shift as you are part of a two person team.

Attendance is still a problem that hasn't been corrected. Since February 1st, you have been absent 5 additional times that were not planned for in advance. In addition to these unplanned absences, you have in excess of twelve additional instances where you did not work your complete shift during the week.

Your productivity is also a concern in that you are frequently away from your work area outside of break times. Your door scans from area to area are more than double of all of your coworkers. This indicates that you are spending significantly more time away from running your equipment. While we understand that you may need to get supplies, your colleagues are in the same situation and are not away from their station nearly as frequently.

On 4/18/16, you took an extended lunch break of 1-1/2 hours without prior approval from management and you didn't let the area supervisor know that you would be late returning from your break. This is impacting your productivity and the productivity of the team.

In addition to regularly scheduled work, there are OT shifts that are scheduled to address specific client and business needs and are staffed with limited additional coverage. On 4/3/16 you were scheduled and had committed to working 10:00am - 2:00pm, but arrived late at 10:44am. On 4/9/16 you were scheduled to work an OT shift on the Onsert Press; after 2-1/2 hours, you indicated that you had a personal emergency to attend that pulled you away from your shift and left the operator to run the job by himself. While unforeseen events occur and can be accommodated, the frequency of your unplanned absences is unacceptable and disruptive to the operations.

Unplanned absences and being away from your work area negatively impact productivity within the department and place undue hardship on others who may be required to complete the tasks in your absence and increases the potential for injury or defective product as a result. This additional stress can include additional overtime on your part as well as of those on the Onsert team and can result in missed ship dates and additional stress on those further down the production line that need to process these jobs.

This warning serves as notice that any further incidents of absenteeism and lack of productivity may result in termination of employment. It is my firm hope that bringing these issues to your attention will provide you with an opportunity to make immediate improvements.



Date: May 16, 2016

To: Tom Farino

From: Kevin Greenwood

Subject: Notice of Termination

On April 19, 2016, you were given a Final Written Warning regarding unacceptable attendance and lack of productivity associated with unplanned absences and incomplete shifts. Following your final written, you were absent 7 additional times that were "no call/no show" that were not planned for in advance and had 5 additional instances where you did not complete your work shift, leaving before your scheduled end time.

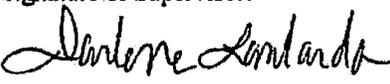
The following observations from April 19- May 13, 2016 have indicated that you have failed to complete your job requirements as a Associate Onsert Press Operator:

- April 19, 20, 27- incomplete work shifts
- April 24, 2016 - no call/no show for a scheduled weekend shift resulting in manufacturing delays and his peer team members unable to complete their shift due to not enough coverage to operate the equipment.
- May 3, 5 – incomplete work shifts
- May 6-May 13 – no call/no show.

Regrettably, given your failure to meet performance expectations, we have no other recourse but to terminate your employment.

Employee's Comments:

 _____ Date: 5/16/16
Signature of Supervisor: _____ Date:

 _____ Date: 5/16/16
Signature of Human Resources: _____ Date:

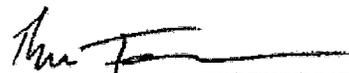
 _____ Date: 5/16/16
Signature of Employee: _____ Date:

EXHIBIT T

Date: 7/13/2015

To: Shannon Mallazzo.

From: Vincent Dunne.

Subject: Final Written Warning

This memorandum serves as a final written warning about the discussion that you and I are having today about your job performance, particularly in regards to dereliction of job duties. My intention in bringing this performance issue to your attention is to provide you with the opportunity to make the necessary correction and demonstrate the ability to maintain satisfactory performance. Your job performance with regards to dereliction of job duties has deteriorated as follows:

Shannon, during the week of 7/6/2015, you were reported absent on a number of occasions from your work area. When questioned as to your whereabouts on 7/13/2015, you responded, that due to some discomfort with your mouth, you had taken some OTC medication (Tylenol) that made you sleepy. This prompted you to leave your work station and go to your car, at which time you subsequently fell asleep. This incident occurred while you were still punched in and being paid.

This behavior is unacceptable and will not be tolerated.

Expectations are as follows: Shannon, your scheduled shift begins each evening at 11:00 pm-7:30am Sunday-Thursday. At all times you must be alert, attentive, and ready to work your shift. Excessive breaks, including leaving the building during your schedule shift, along with any incident that prevents you from being in your designated area ready to perform your job responsibilities will not be tolerated either. You are responsible for ensuring that all functions described in your job description are performed. Your position as In Process Inspector requires you to support the press crew at all times.

You and I will meet at the end of 45 days to review your progress. If significant improvement is not shown at the end of 45 days, your performance will be reviewed and you will be subject to further disciplinary action up to and including termination of employment. However, if little or no progress is being made or other unacceptable behavior occurs, you may be subject to disciplinary action any time prior to the end of the 45 days. Any further instances of attendance or tardiness following the 45 day period will also be grounds for disciplinary action.

Shannon, it is my firm hope that bringing this issue to your attention will provide you with an opportunity to correct them and resume satisfactory performance.

ThermoFisher
SCIENTIFIC

Please sign below. Your signature on this document is an acknowledgment that this matter has been discussed with you, and you have reviewed this document prior to inclusion in your personnel file. Your signature is not an indication of agreement or disagreement of the deficiencies that are outlined in this document.

Employee Signature Shannon Halliday Date 7/16/15
Supervisor Signature [Signature] Date 7/16/15

Employee Comments:

EXHIBIT U



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Representing Management Exclusively in Workplace Law and Related Litigation

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GRAND RAPIDS, MI	MINNEAPOLIS, MN		

MY EMAIL ADDRESS IS: EGANP@JACKSONLEWIS.COM

*through an affiliation with Jackson Lewis P.C., a Law Corporation

November 6, 2017

VIA E-MAIL & U.S. MAIL

Kathy Drew-King
 Regional Director
 National Labor Relations Board, Region 29
 Two Metro Tech Center
 Suite 5100
 Brooklyn, NY 11201-3838

Re: Thermo Fisher Scientific
 Case 29-CA-206244

Regional Director Drew-King:

Please accept this letter as the position statement of Thermo Fisher Scientific which is written in response to the allegations raised in the First Amended Charge and as subsequently explained to me by Brady Francisco-FitzMaurice. If other allegations are raised or otherwise emerge as the Region's investigation proceeds, Thermo Fisher may supplement this position statement. If the Region has questions as it reviews this position statement, please do not hesitate to reach out to me.

Charging Party was terminated following the application of progressive discipline, which started before June 8, 2017, the first day when any protected concerted activity in which he engaged was known to the Company. In fact, Charging Party was disciplined three times prior to June 8. The conduct for which Charging Party was ultimately terminated was similar to the conduct for which he had been disciplined before June 8 and which was noted in his performance reviews before that date. Charging Party's union activity was no factor in his discipline and discharge.

A. No Change Was Made in the Pacing Schedules Applicable to Charging Party.

Charging Party has alleged that the pacing schedules applicable to him were increased subsequent to June 8, 2017. However, Charging Party has not identified even one

spacing schedule that was "sped up." Obviously, the Region cannot have a *prima facie* case on this allegation, and there is no reason for the Region to inquire about this allegation with the Company regarding it. If at such time Charging Party articulates a meaningful basis for his claim, the Company will consider a thorough response.

Nonetheless, the Company made no change to any spacing schedule applicable to Charging Party subsequent to June 8, 2017. The spacing schedule for the 3rd shift, on which Charging Party worked, is prepared by one of two co-workers (not supervisors or managers) on the 1st shift. (This piece of equipment is not run on the 2nd shift.) The workers on the 1st shift identify the work to be performed on the 3rd shift (based on order, available inventory, etc.) The amount of time that work scheduled for the 3rd shift (and for the 1st shift) on this piece of equipment should take to complete is calculated based on a mathematical formula: the variables are plugged in to the formula and the answer is the amount of time the work should take. The work scheduled for each shift is emailed daily to Charging Party and his teammate, with a copy to the manager, Abid Rasul. The application of the formula dictates the amount of time the work is expected to take. The formula has been unchanged for more than a year and it predates Rasul's management of the department. Further, Rasul has no recollection of making any change to any spacing schedule generated by the formula.

Charging Party's allegation that the spacing schedules applicable to him were increased is absurd. He has not alleged that any particular schedule was "sped up." Indeed, the formula does not permit such; the time in which a block of work is expected to be completed is a direct result of the application of the formula. Accordingly, this allegation should be expeditiously dismissed by the Region.

B. The 2017 Mid-Year Appraisal Issued to Charging Party Accurately Reflected His Performance.

The 2017 mid-year performance appraisal issued to Charging Party was an accurate reflection of his job performance. (See generally Response to Request No. 3).¹ As such, it was a balanced review, commenting on both charging party's positive work qualities and noting areas for improvement. In this regard, the 2017 mid-year review was like the other performance reviews Charging Party had received. In fact, some of the improvement opportunities noted were areas that had been mentioned in Charging Party's prior reviews and therefore cannot be viewed as related to any protected concerted activity in which Charging Party may have engaged.

The 2017 mid-year review positively commented on several of Charging Party's Performance Goals: completion of iComply and Thermo Fisher University training, satisfaction of cross-training initiatives, aligning with reprint error goals, and positive support toward the goal of increasing the automated inspection machine utilization rate to 90% of all coded labels. Under the Development Goals section, it was noted that Charging Party "has met expectations"

¹ Each of the performance reviews referenced are included in the responses to Request No. 3 in the Region's letter dated Oct. 11, 2017.

on his goals to continue training on all processes in the Coding Department. In fact, the summary of the 2017 mid-year review notes: "Herman has met expectations on iComply training, rejection rate, automated inspection goals. Herman can now operate all equipment within the coding area since he has finished up his training on the Meto laser printer in March and April of this year."

Some Performance Goals in which Charging Party fell short of expectations in 2017 were those which are measured mathematically, such as completing at least 80% of pacing goals and a 90% or greater batch record accuracy rate. Regarding Development Goals, Charging Party (similar to prior performance reviews) was told "to work on improving his communications skills and teamwork...It is recommended that Herman explore alternative ways to collaborate and engage in constructive dialogue with his peers and management."

The latter is a recurring theme for Charging Party. For example, in Charging Party's 2017 mid-year performance appraisal, Charging Party's "disruptive and threatening behavior" and his need to show "significant improvement on these behavioral concerns" and "to correct them immediately" were noted. In Charging Party's 2015 year-end performance appraisal, behavioral concerns were also mentioned: "The biggest opportunity for Herman to develop in is that he comes across to others as cocky...you are perceived to not be listening or interested in the advice [other employees] are giving you. This is something that will have to be corrected to develop leadership traits in today's workforce." In the 2016 year-end performance appraisal, "Interpersonal Skills" and "Teamwork/Cooperation" were noted as development opportunities for Charging Party. The conduct exhibited by Charging Party in 2017 and noted in that year's mid-year review was unfortunately a continuation of the inter-personal challenges that Charging Party's managers have encouraged him to address for years. The conduct mentioned in the 2017 mid-year was not a response to any protected concerted activity in which Charging Party may have engaged but a reporting of the actual conduct that Charging Party exhibited during the first half of the year.

C. Charging Party's Complaint of Harassment Was Promptly Investigated and Addressed.

Charging Party's allegation that he made a complaint of harassment which was ignored is patently false, to the point of having been made in bad faith. The Region should disregard it out-of-hand and Charging Party's obvious falsehood should color the rest of his affidavit to the Region.

Charging Party made a complaint of harassment to Human Resources Business Partner Darlene Lombardo on June 22, 2017 regarding an alleged incident that occurred just hours before. Lombardo met with Charging Party at the time that he made his complaint and thoroughly reviewed it with him. Lombardo immediately initiated an investigation, conducting four witness interviews that day and the next. Additionally, Lombardo interviewed the alleged harasser on June 23. The in-depth interviews lasted 30 – 60 minutes.

In her Findings & Recommendation after the conclusion of the investigation (See Response to Request No. 9), Lombardo credited the allegation made by Charging Party.² She recommended that the alleged harasser be disciplined, and the harasser was issued a verbal warning for violating Thermo Fisher's U.S. Workplace Anti-Violence Policy.

The Region reported to Thermo Fisher that Charging Party said that the Company did not communicate with him regarding the investigation or its results. This is a falsehood. Lombardo spoke with Charging Party when he made his complaint and after the investigation concluded. The Findings & Recommendation notes that after being told of the results of the investigation and that the conduct was addressed, Charging Party "expressed dissatisfaction with the outcome of the investigations and requested a copy of the warning issued to [the harasser]." Charging Party was directly informed of the investigation, the results of it, and that appropriate action had been taken. His allegation is baseless.

D. The Discipline Issued to Charging Party Was Not Motivated by Any Protected Concerted Activity in Which He May Have Engaged.

The progressive discipline of Charging Party that ultimately lead to his discharge in Sept. 2017 began months before the Company had any knowledge of protected concerted activity by Charging Party. The first knowledge that the Company had that Charging Party was engaged in union organizing was June 8, 2017, when he sent an email to co-workers and distributed hard copies of his communication at the site. Before then, Charging Party had received discipline three times, in January, February and earlier in June 2017. The reasons for which Charging Party was disciplined after he began protected concerted activity were the same as or similar to the reasons for which he was disciplined before the Company's knowledge of his union activity. Simply, Charging Party's conduct did not change throughout the time he was disciplined regardless of whether it was before or after he engaged in union activity. Charging Party's conduct, not his union activity, was the reason he was disciplined and ultimately discharged.

On January 27, 2017, Charging Party received a Formal Documentation of Verbal Warning ("verbal warning") for several instances of failing to complete required batch record paperwork. (See Response to Request No. 3)³ The supervisor, Abid Rasul, spoke with both Charging Party and his team member on the onsert printer. Charging Party did not dispute the incidents. In fact, the document reflects that Charging Party "understands the importance of completing this process and assured me [Rasul] that it will not happen again."

² The Finding & Recommendations and the Investigative Report are attorney-client privileged documents. The Company waives the privilege as to both documents solely for the purpose of responding to the Region's question here and not more broadly.

³ Each of the discipline documents referenced are included in the responses to request no. 3 in the Region's letter dated Oct. 11, 2017.

On February 28, Charging Party received a second verbal warning for being no call-no show for a shift. Again, Charging Party did not dispute the facts which resulted in the warning.

On June 7, Charging Party received a written warning for failing to communicate effectively and appropriately with teammates and his manager. (The lack of teamwork was the same issue raised in his 2016 year-end performance appraisal.) Charging Party failed to participate in hand-offs (a shift-to-shift communication process), walked out on meetings, failed to engage in meetings he did attend, and engaged in unprofessional communication. Charging Party did not dispute the underlying facts.

On July 28, Charging Party received a written warning for (again) failing to complete required batch record paperwork and failing to complete and document proper equipment maintenance. The tasks were a standard and essential part of Charging Party's work. He objectively failed to perform the work. Charging Party did not dispute his inactions.

On August 7, Charging Party received a final written warning for continued inappropriate communication with co-workers and managers. During a meeting to discuss possible reasons for downtime at the beginning of the shift (five objective examples were brought to Charging Party's attention), Charging Party slammed his fist on a desk during a meeting with his manager and a co-worker. This conduct was corroborated by a co-worker participating in the meeting. (Attachment 1). Charging Party's conduct was a threat of violence in violation of Thermo Fisher's U.S. Workplace Anti-Violence Policy and the most basic degree of professionalism expected of employees in the workplace. As before, Charging Party did not dispute his conduct.

On August 23, Charging Party received a second final written warning (an uncommon exception to have the opportunity for another final written warning instead of immediate termination) for again failing to follow procedures. Charging Party previously received two verbal warnings and a written warning for failing to follow procedure.

Ultimately, Charging Party was terminated on September 14 after being away from his workstation for the first hour and six minutes of his shift on September 13 without a valid explanation for his absence.

Other employees have been disciplined and/or discharged for conduct similar to that engaged in by Charging Party, including discipline issue by his supervisor, Abid Rasul, who joined Thermo Fisher in 2016, to other employees:

- S. Jones, Jan. 2015: verbal warning for unprofessional communication (Attachment 2)
- R. Solano, Jan. 2015: verbal warning for failure to complete documentation (Attachment 3)

- A. VanPettersen, Jan. 2015: verbal warning for unprofessional communication (Attachment 4)
- J. Fernandez, May 2015: verbal warning for disrespectful behavior (See Response to Request No. 6)⁴
- J. Tirado, June 2015: written warning for, among other attendance issues, spending too much time away from machine and inadequate productivity (Attachment 5)⁵
- S. Mallazzo, July 2015: written warning for being away from work area (Attachment 6)
- S. Jones, July 2015: verbal warning for failing to follow procedure (Attachment 7)
- E. Holman, July 2015: verbal warning for failing to follow procedure (Attachment 8)
- E. Holman, August 2015: written warning for failing to follow procedure (Attachment 9)
- A. Reyes, August 2015: written warning for failing to follow procedure (Attachment 10)
- A. Mazza, August 2015: written warning for failing to follow procedure (Attachment 11)
- S. Jones, August 2015: written warning for failing to follow procedure (Attachment 12)
- M. Araujo, August 2015: written warning for failing to follow procedure (Attachment 13)
- K. Gomez, August 2015: written warning for failing to follow procedure (Attachment 14)
- A. VanPettersen, August 2015: written warning for failing to follow procedure (Attachment 15)

⁴ Documents referenced but not attached are included in the Responses to Request No. 6 in the Region's letter dated Oct. 11, 2017.

⁵ There is a typographical error in the document. The correct year is 2015.

- R. Solano, Sept. 2015: written warning for failing to follow procedure (Attachment 16)
- T. Magnemi, Nov. 2015: written warning for failing to follow procedure (Attachment 17)
- J. Belizaire, Dec. 2015: verbal warning for failing to follow procedure (Attachment 18)
- T. Farino, Dec. 2015: verbal warning for, among other attendance issues, spending too much time away from machine
- T. Farino, Feb. 2016: written warning for, among other attendance issues, spending too much time away from machine and inadequate productivity (Attachment 19)
- K. Re, Feb. 2016: verbal warning for failing to start work on time and lack of productivity (Attachment 20)
- T. Farino, April 2016: final written warning for, among other attendance issues, spending too much time away from machine, not completing work during shift and lack of productivity (Attachment 21)
- T. Farino, May 2016: termination for, among other attendance issues, not completing work shift and inadequate productivity (Attachment 22)
- J. O'Brien, Sept. 2016: verbal warning for failing to follow procedure (Attachment 23)
- R. Goldberg, Sept. 2016: written warning for failing to follow procedure
- E. Mejia, Jan. 2017: verbal warning for failing to follow procedure (Attachment 24)
- A. Reyes, Jan. 2017: verbal warning for failing to follow procedure (Attachment 25)
- T. Kitson, Jan. 2017: verbal warning for failing to follow procedures
- R. Goldberg, Jan. 2017: written warning from Abid Rasul for failing to follow procedure (Attachment 26)⁶

⁶ Abid Rasul was Charging Party's supervisor.

- R. Goldberg, March 2017: final written warning from Abid Rasul for failing to follow procedure (Attachment 27)
- R. Solano, May 2017: verbal warning from Abid Rasul for failing to follow procedure (Attachment 28)
- R. Kelpie, June 2017: verbal warning for failing to follow recordkeeping procedure
- A. Sylla, June 2017: verbal warning from Abid Rasul for failing to complete batch record paperwork (Attachment 29)
- R. Lutchman, July and August 2017: Verbal and written warnings, respective, for failing to follow procedure
- N. Rodriguez, August 2017: written warning for failing to follow procedure (Attachment 30)
- T. Magnemi, August 2017: written warning for failing to follow procedure (Attachment 31)
- A. VanPettersen, August 2017: written warning for failing to follow procedure (Attachment 32)
- W. DeChirico, Sept. 2017: written warning for failing to follow procedure (Attachment 33)

Charging Party's allegation that he was disciplined and discharged due to his union activities is baseless and inconsistent with the facts. Charging Party refused to conform his conduct to the written procedures and policies of the Company and the discipline he received was a direct response to his performance issues and not his union activity.

E. The Mid-Year Wage Review Was Made as Part of a Company-Wide Initiative and Was Not in Response to Any Protected Concerted Activity in Which Employees May Have Engaged.

In 2015, Thermo Fisher initiated a global, company-wide program to harmonize its job structure. By a communication to human resources leaders, the Senior Vice President, Human Resources, announced that the Company was "launching a new job architecture to create a common structure across the company that will help employees better manage their careers." (See Response to Request No. 16) The new job classification process expanded the Company's career band structure from seven to 13 bands. Among other features, "the new structure will enable [the Company] to ensure our jobs are properly leveled and aligned to available data on pay and practices." Appropriate wage adjustments to maintain market-competitive wage rates

were integral to the program. The new program was effective in mid-2015. Changes to pay and benefits “would be a result of promotions, internal equity adjustments or harmonization activities.” The Company’s goal was to initially bring employees to the 25th percentile of market (Phase I) and later to the 50th percentile of market (Phase II). Phase I was effective October 1, 2015 and Phase II was effective September 2016.

However, this was not a Company requirement. Each division could determine at what percentile of the market it sought to pay its employees. Kia Christian, the Vice President for Human Resources for the BioPharma Services Division was responsible for applying the program in her division which has employees in North America, Latin America, Europe and Asia.⁷ Christian determined that the division goal would be to begin moving any employee under the 25th percentile to the 50th percentile with the understanding that it may take more than one adjustment (mid-term or year-end) for any one employee to reach the 50th percentile goal.

The program called for regional market data to be used for comparison with the wage rates paid to Thermo Fisher employees in those markets. All roles in North America were considered in addition to a lesser number of roles in Latin America, Asia and Europe. The accumulation and analysis of data began in 2015 and continues to date. As the project progressed, the Company used new and also improved analytics to refine its decisions regarding the positions that needed to be addressed and when. Data on large employers in the same businesses as Thermo Fisher from consulting companies like Mercer and Towers Perrin was used to identify on a macro level positions that needed to be addressed. Then local market data was gathered to better refine the 25th and 50th percentiles for the positions in focus. Finally, at the local level, every applicable employee was reviewed to determine where that employee should fall within the competitive market range considering such factors as similarity of jobs (with external comparable positions), tenure, performance ratings, complexity of position, technical expertise, difficulty in recruiting/retaining employees in that positions, etc. As a consequence of the program being new, it took some time to produce data in which the Company had confidence.

In early 2016, the Company announced to North American employees in the BioPharma Services division that compensation adjustments would be made for many associate-level employees as “there are some employees whose compensation did not fall within our current internal pay range for the job they perform.” (Attachment 34).

The division reviewed all facilities to identify those facilities at which wage adjustments should be made first. These adjustments would be (and have been) made both mid-year and at year-end. Facilities in Allentown, Penn., Bohemia, New York, Indianapolis, Ind. (Eli Lilly – West Morris Street), Memphis, Tenn., Center Valley, Penn. and Mount Prospect, Ill were identified as having wages below the 25th percentile. Therefore, the first adjustments were made

⁷ The division review covered approximately 3558 employees working at 23 facilities worldwide.

during 2015-16 in Allentown, Indianapolis, Mt. Prospect and Memphis. Bohemia was next in 2017.⁸ Adjustments continue at other sites as the program rolled out.

Quite obviously, the worldwide program which began in 2015 was unrelated to any protected activity that began two years later in Bohemia. Adjustments were made at multiple sites in the BioPharma Services division, and Bohemia was included in those wage adjustments. Mid-year adjustments are a regular part of the business for Thermo Fisher. Charging Party's allegations are poorly informed and false.

* * *

We look forward to meeting with Mr. Francisco-FitzMaurice this week and expanding on the information in this letter. Nonetheless, for all of the reasons set forth herein, Thermo Fisher requests that that the Charge be dismissed, absent withdrawal.

Very truly yours,

JACKSON LEWIS P.C.



Patrick L. Egan *PE*

PLE/nlm

Attachments

⁸ Mid-year pay adjustments have been made on an *ad hoc* basis at Bohemia regularly, albeit not in the number as in 2017 because the worldwide project looked at all North American positions. (Attachment 35).

EXHIBIT V

Francisco-FitzMaurice, Brady J.

From: Francisco-FitzMaurice, Brady J.
Sent: Tuesday, November 14, 2017 2:05 PM
To: 'Egan, Patrick L. (Boston)'
Subject: RE: Thermo Fisher

Pat, just a reminder that I am still waiting on the Excel spreadsheets mentioned in my earlier email. In addition, although I've already requested most/all of these documents (some requests are worded differently, now that I know what words your client uses to refer to the documents), I'd like to reiterate that it would be helpful to review the following documents as they relate to the period from March 1, 2016 to the present:

1. The compensation analysis documents, including drafts (in Excel format);
2. Documents, including payroll documents, showing the wage rate of each employee;
3. Emails pertaining to pacing on the Onsert Press machine, including the emails that Timlin drafted that list the pacing schedule for the third shift;
4. The Productivity Tracker showing performance on the Onsert Press machine, including any evidence of performance concerns that led to Isaza's termination;
5. The Termination Request for Isaza, including drafts;
6. Communication among supervisors and/or managers pertaining to the decision to terminate Isaza;
7. The Quality Assurance file, including all batch record errors, as it pertains to the Onsert Press machine;
8. Documents showing any employee who your client terminated for the same or similar reasons as Isaza (I believe you have only provided one such example to date; when I interviewed your client, some managers mentioned other individuals who had been terminated).

In order for me to complete my investigation in a timely manner, I'll need to receive any supplemental documents you choose to provide by the end of the week. If you have any questions, feel free to call me. Thanks,

Brady

Brady Francisco-FitzMaurice | Field Attorney
United States Government
National Labor Relations Board
Region 29
Two MetroTech Center, Suite 5100
Brooklyn, NY 11201
Office: 718.765.6192
Fax: 718.330.7579

From: Egan, Patrick L. (Boston) [mailto:EganP@Jacksonlewis.com]
Sent: Wednesday, November 08, 2017 10:08 AM
To: Francisco-FitzMaurice, Brady J. <Brady.Francisco-FitzMaurice@nlrb.gov>
Subject: Re: Thermo Fisher

Ok

On: 08 November 2017 09:56, "Francisco-FitzMaurice, Brady J." <Brady.Francisco-FitzMaurice@nlrb.gov> wrote:

I will be a few minutes late. I'm waiting at the train station for a taxi.

Patrick L. Egan
Attorney at Law
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75 Park Plaza
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Boston, MA 02116

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On Nov 7, 2017, at 12:10 PM, Egan, Patrick L. (Boston)
<EganP@JacksonLewis.com> wrote:

10 is fine. See you then.

On: 07 November 2017 10:35, "Francisco-FitzMaurice,
Brady J." <Brady.Francisco-FitzMaurice@nlrb.gov> wrote:

Would 10:00 AM work for you?

Brady

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From: Egan, Patrick L. (Boston) [<mailto:EganP@JacksonLewis.com>]
Sent: Tuesday, November 07, 2017 10:21 AM
To: Francisco-FitzMaurice, Brady J. <Brady.Francisco-FitzMaurice@nlrb.gov>
Subject: Thermo Fisher

Brady,

What time would you like to start the first interview tomorrow?

Pat

Patrick L. Egan

Attorney at Law

Jackson Lewis P.C.

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4th Floor

Boston, MA 02116

Direct: (617) 305-1208 | Main: (617) 367-0025

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EXHIBIT W



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November 21, 2017

VIA EFILE AND EMAIL

Brady Francisco-FitzMaurice
 Field Attorney
 National Labor Relations Board
 Region 29
 Two MetroTech Center, Suite 5100
 Brooklyn, NY 11201

Re: Thermo Fisher Scientific
 Case 29-CA-206244

Dear Brady:

This letter is written in response to the Region’s request for additional documents dated Nov. 14, 2017. If Thermo Fisher Scientific (“the Company”) identifies additional responsive documents to those provided herein, it will supplement this response. If the Region has questions as it reviews this letter and the attached documents, please do not hesitate to reach out to me.

Request Nos. 1 and 2

Responsive documents were provided via email to the Region on Nov. 14. The documents were initially emailed to the Region on Nov. 9 but the volume of them was apparently too large for the NLRB servers, and the Company did not receive notification from the NLRB that the email was not received.

Request No. 3

Responsive documents were previously provide in response to Request No. 7 to the Region’s October 11, 2017 request for documents.¹

¹ Prior to October 2016, the onsert equipment was operated on the first and second shifts. Then, discussions regarding pacing were conducted verbally between first and second shift operators at shift change and were not accompanied by an email. When the onsert operation moved to a first and third shift operation in early 2017, email was used to share the pacing schedule and improve communication between shifts.

Request No. 4

The Coding Department has just one productivity measure: the Daily Pacing Attainment. Daily pacing is a measure of all jobs completed by all pieces of equipment within the coding department as compared to all jobs scheduled to be completed by the Coding Department on a given day. Daily pacing is measured and recorded at the department level; it is not measured or recorded at the employee level. No employees are held individually accountable for daily pacing attainment. Abid Rasul's reference to a "productivity tracker" during the investigation referred to an electronic recordkeeping database which records when jobs are started and finished on pieces of equipment within the Coding Department. It is not used nor has it ever been used to monitor productivity or manage individual employee performance. Rasul used the tool to assess whether or not any equipment was utilized by Herman Isaza to explain his one hour and six minute absence on August 31, 2017. Attached is an email which reflects Rasul's use of the productivity tracker on August 31 to learn if a piece of equipment was in operation that might have been used by Isaza.

Request No. 5

The attached Termination Report is an attorney-client privileged document. The Company waives the privilege solely for the purpose of responding to the Region's request here and not more broadly.

Request No. 6

There are no documents in addition to those previously provided in response to the Region's October 11, 2017 request for documents.

Request No. 7

The attached spreadsheet records all Coding Department documentation errors recorded by Quality Assurance for the period March 2016 – September 2017. Errors specific to the onsert equipment are set forth in Column I.

As noted during the investigation, the prior Production Coding manager, Joe MacDougall, was demoted due to his inability to effectively manage the department, in particular by failing to hold employees accountable. (See the attached March 30, 2016 verbal warning to MacDougall.) Abid Rasul was hired Sept. 26, 2016 with a direction to hold employees accountable, but he did not discipline any employees for batch record errors in 2016 as he was then assessing the types of batch record errors the department was experiencing. (You will note that Albert Sylla was charged with 58 missing entries in 2016. That was so because Sylla is the department's dedicated pre-coding specialist and the limitations of the Company's computer system assigns the missing entries of all employees to Sylla.)

In 2017, Tim Kitson and James Timlin each had seven batch errors through September while Herman Isaza had eight errors in that time period. Timlin did not receive

discipline because he did not exceed the maximum of two errors in a month. Isaza and Kitson each received a verbal warning because each exceeded the monthly maximum in June, July and September. The errors were brought to Rasul's attention by the In Process Inspection – Finishing Operations Department.

Request No. 8

Attached is a spreadsheet which lists all involuntary terminations at the facility from 2012 – 2107. The shaded names are those of former employees who were disciplined for reasons like Isaza. The final written warnings that each received have been attached to give the Region context for each former employee.

- Steven Reising's progressive discipline included not starting his shift on time
- Dan Hatton's progressive discipline included inappropriate and disrespectful communication
- Craig Thompson's progressive discipline included failure to follow procedures
- Thomas Farino's progressive discipline included time away from work station and no call-no show
- Shannon Mallazzo's progressive discipline included absent from her work area (in her car)
- John O'Brien's progressive discipline included no call-no show and failure to follow procedures

In addition to the involuntary terminations, two former employees, Jose Tirado and Robert Goldberg, each voluntarily terminated after receiving a final written warning. One of the reasons for which Tirado received a final written warning was not completing his assigned shift. Goldberg received a final written warning for failing to follow coding processes and procedures. Further, attached is a final written warning issued to Horace Cadigan in 2013 for being away from his work area (sleeping) during his assigned hours. Cadigan corrected his behavior and remains an employee.

Brady, with this additional information following on its position statement and the information provided during interviews with the Region, the Company believes it is conclusively rebutted Charging Party's allegations. Indeed, for some allegations, Charging Party

failed to even establish a *prima facie* case. Again, the Company requests that the Region dismiss the Charge, absent withdrawal.

Very truly yours,

JACKSON LEWIS P.C.



Patrick L. Egan

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Attachments