

**No. 20-1032 (consolidated with 20-1069)**

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**UNITED STATES COURT OF APPEALS  
DISTRICT OF COLUMBIA CIRCUIT**

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**ALASKA COMMUNICATIONS SYSTEMS HOLDINGS, INC.,  
*Petitioner/Cross-Respondent,***

**v.**

**NATIONAL LABOR RELATIONS BOARD,  
*Respondent/Cross-Petitioner,***

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**PETITION FOR REVIEW  
FROM THE NATIONAL LABOR RELATIONS BOARD  
[Not Yet Scheduled for Oral Argument]**

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**SUPPLEMENTAL APPENDIX FOR ALASKA  
COMMUNICATION SYSTEMS HOLDINGS, INC.**

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 3, 2020, I electronically filed the foregoing with the Clerk of the Court of the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

*/s/ Matthew J. Kelley* \_\_\_\_\_

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COMMUNICATIONS SYSTEMS HOLDINGS,  
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OFFICIAL REPORT OF PROCEEDINGS  
BEFORE THE  
NATIONAL LABOR RELATIONS BOARD  
SUB-REGION 36

In the Matter of:

Alaska Communications Systems      Case No.      19-RC-226955  
Holding, Inc.,

Employer,

and

International Brotherhood of  
Electrical Workers, Local 1547,  
AFL-CIO,

Petitioner.

\_\_\_\_\_  
\_\_\_\_\_

Place: Portland, Oregon

Dates: September 18, 2018

Pages: 1 through 145

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1 Q Are you required to have two years' experience in the  
2 skills and work that the position will normally perform?

3 A Yes.

4 Q Are you required to travel by air, land, and sea, by  
5 commercial and noncommercial means to deliver service to Alaska  
6 Communication customers located in remote areas of Alaska?

7 A Me personally, no. I can volunteer.

8 Q Okay.

9 A I'm not required. That's --

10 Q Are you required to successfully pass a pre-employment  
11 suitability assessment in either a DOT or non-DOT drug test,  
12 depending on position?

13 A Yes.

14 Q Are you required to perform duties of a field technician,  
15 which may require a medical certification or a CDL?

16 A Yes.

17 Q And for those things that I just read you, do they also  
18 apply to other members of the NOC?

19 A Yes.

20 Q Do they apply to other members of Alaska Communications  
21 employees who work in Oregon, to your knowledge?

22 A Yes.

23 Q Are you required -- were you required, or do you know if  
24 you are required to successfully pass a pre-employment  
25 suitability assessment and drug test?



1 Q That's fine. How about trips to Alaska, have you taken  
2 any trips to ACS in Alaska?

3 A I think my last trip for -- that wasn't related to  
4 Quintillion, so T in Anchorage was about three years ago. I  
5 want to say, and that was back when the initial push for  
6 integration was taking off, so I spent a couple of half days in  
7 the INMC shadowing those guys and learning their -- what they  
8 were doing.

9 Q Shadowing which guys?

10 A In the Anchorage INMC.

11 Q Okay.

12 A Their represented group there.

13 Q Okay.

14 A And I also spent some time with Jacob and Steven Huff  
15 visiting our sites in Alaska.

16 Q And their non-represented?

17 A Yes.

18 Q Do you recall who you spent time with at the INMC when you  
19 were there three years ago?

20 A I -- no, I don't --

21 Q Okay.

22 A -- recall.

23 Q Was it bargaining unit members?

24 A They were, yes.

25 Q Okay.



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1 oh, and '17. But if you looked at the 2018 smart goals,  
2 there's a start date on each one of these smart goals,  
3 correct?

4 A Yes. That's correct.

5 Q Okay. And so these smart goals are written prior to the  
6 start date, correct?

7 A Correct.

8 Q Okay. And the supervisor that writes them at that time,  
9 that's their name right on the supervisor line, correct?

10 A I don't know that that's what that means. But I would  
11 assume.

12 Q Okay. So you don't know. Now, isn't it true that Jeff  
13 Holmes was just recently promoted to the position of a  
14 supervisor, correct?

15 A Correct.

16 Q Anatoliy was just recently promoted to the position of a  
17 supervisor, correct?

18 A Correct.

19 Q They were promoted after the writing of these smart goals,  
20 correct?

21 A Correct.

22 Q Okay. So they wouldn't have been the supervisor writing  
23 these smart goals, correct?

24 A Correct.

25 Q And now, Jeff Holmes, he now reports to Tom Brewer,



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1 Q Do you ever take any trips to Alaska?

2 A Yes, I have.

3 Q What did you travel to Alaska for?

4 A For training. Cross-training.

5 Q Where did you go for training?

6 A Anchorage. For ACS, in Anchorage. Yes.

7 Q Where in Anchorage? Which building?

8 A I believe it's central wire center.

9 Q Was in the INMC?

10 A Yes.

11 Q Who did you interact with when you were in Anchorage?

12 A I was there a couple days in the NOC for a cross-training.

13 Q When you say the NOC, you mean the INMC?

14 A INMC. Sorry. Yes.

15 Q When you say cross-training, what does that mean?

16 A We were basically shadowing, sitting next to technicians  
17 that were on shift. I don't remember who it was. But I know  
18 Paul Misuck was there and Sean Bowman was there. We were just  
19 shadowing. You know, seeing what they do. Trying to learn or  
20 understand what they did.

21 Q When was that?

22 A I would say four or five years ago.

23 Q Did anyone go with you on that trip?

24 A I believe Scott Shier was with me.

25 Q Scott Shier, who's the NOC employee at --



1 A Correct.

2 Q -- ACS Hillsboro?

3 A Yes.

4 Q Any other trainings with ACS in Alaska?

5 A I went to ITDL training that ACS offered. So I was there  
6 for a week.

7 Q Was anyone from Hillsboro with you?

8 A Yes. Scott Shier as well.

9 Q Okay. Did you interact with any bargaining unit members  
10 on that trip?

11 A There was whole class. So I mean, interaction as far as  
12 communication. But as far as work, no.

13 Q And were any bargaining unit members in attendance there?

14 A Yes.

15 Q Who? Do you recall?

16 A Folks from INMC and from other departments. There was  
17 maybe 20 of us or more.

18 Q Any other trainings in Alaska?

19 A Not for ACS. For Quintillion, yes.

20 Q Did you go to Alaska for that?

21 A Yes.

22 Q Where in Alaska?

23 A Barrow.

24 Q What facility was the training held?

25 A Just hotel-type setting.



1 Q Were there any ACS bargaining unit employees at that  
2 training?

3 A Yes. I cannot recall their names. There were two of  
4 them.

5 Q Any other trainings you can recall going to Alaska for?

6 A No.

7 Q Do you recall any trips by ACS bargaining unit members in  
8 Alaska to Oregon?

9 A There were a couple trips. I can clearly recall one case  
10 by Elijah.

11 Q Elijah Corpuz?

12 A Corpuz.

13 Q Okay.

14 A He was there -- here. And the reason I remember is  
15 because I actually took him on a trip with me to show him all  
16 the sites and what we do and things like that. So --

17 Q Which sites?

18 A Remote sites. Nedonna. Tillamook. Amplifier sites.

19 Q Did you take him to Florence or Pacific City?

20 A No. So Nedonna and I believe we went up to Seattle, and  
21 all the sites from there.

22 Q And what was he here for?

23 A Cross-training.

24 Q What does that mean?

25 A Sit with us. See what we do. Learn from us.



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1 A Yes, it sounds correct.

2 Q Okay. All right, so you were asked some questions; since  
3 you've been a supervisor, how many people -- well, let me ask  
4 you this, you're a supervisor, correct?

5 A Yes, I am.

6 Q And then similarly, Jeff Holmes is a supervisor too, but  
7 on the NOC side, right?

8 A Correct.

9 Q Okay. And you and him hold the same position, right?

10 A Yes.

11 Q Okay. And you guys have the same job description, right?

12 A Yes.

13 Q Okay. And now, on -- but on your side of the O&M side,  
14 you guys haven't hired anybody since you've been a supervisor,  
15 correct?

16 A We have not hired anybody.

17 Q Okay. You guys haven't fired anybody since you've been a  
18 supervisor either, correct?

19 A No, we have not.

20 Q And correct me if I'm wrong, your side -- you guys don't  
21 really do permanent transfers because everybody is assigned to  
22 a cable landing station, and then you just work amongst  
23 yourselves to get the work done as it becomes necessary, right?

24 A Well, explain yourself --

25 Q For example, you were asked, do you transfer employees?



1           Okay, I'm there, and yes, that -- I see Jeffrey Holmes.

2           Q     And he's the supervisor over this group, right?

3           A     That is correct.

4           Q     Now, and Mr. Holmes -- Mr. Holmes, correct me if I'm  
5           wrong, is -- what role -- well, he's a frontline supervisor  
6           there; what role does he play in hiring?

7           A     He does the interviewing, tenders offer letters.

8           Q     So for example, isn't it true --

9           A     Checks written.

10          Q     -- that Mr. Holmes, he's currently the cable system  
11          supervisor, correct?

12          A     Yes, sir.

13          Q     Before that, he was a senior network operations  
14          specialist, right?

15          A     I believe so.

16          Q     and then -- but before that, he was a supervisor  
17          beforehand, correct?

18          A     Correct.

19          Q     And he was a supervisor under you --

20          A     Correct.

21          Q     -- right? And in his role as a supervisor, he does have  
22          hiring authority, right?

23          A     Yes. He does.

24          Q     Okay. So for example, he will receive resumes and review  
25          the resumes --



1 A Yep.

2 Q -- correct?

3 A Correct.

4 Q Okay. And then in addition, he's going to determine who  
5 if anybody from the resumes that you receive, whether or not  
6 that person will be interviewed, right?

7 A Yes.

8 Q Okay. And then he will bring that person in for an  
9 interview, correct?

10 A Yes.

11 Q And you and him will interview the person, correct?

12 A Correct.

13 Q Okay. And then after you and him interview the person,  
14 you will decide between yourselves whether or not you guys want  
15 to bring him back?

16 A Yes.

17 Q Okay. And then if you bring a person back, they come back  
18 and they're then going to speak with the rest of the NOC group,  
19 correct?

20 A Correct.

21 Q Okay. And then, if after you guys watch that interaction  
22 and see it, if you determine, you then will make an assessment,  
23 right --

24 A Yes.

25 Q -- on whether or not you -- that -- whether or not you and



1 Jeffrey want to hire this person, correct?

2 A Yes.

3 Q So what role does Jeff play at that point in making a  
4 decision, regarding whether or not somebody's going to be  
5 hired?

6 A He has the final say-so.

7 Q Okay. And why does he have the final say-so?

8 A Because he is the supervisor.

9 Q Okay. And can you tell me of a -- okay. For example,  
10 let's go back. I want to show you an email. Now, and this has  
11 been the case for a long time, right?

12 A (No verbal response)

13 Q Let -- excuse me. For example, when Jeff was a supervisor  
14 previously, at that time he was hiring people --

15 A Same --

16 Q -- correct?

17 A Same process.

18 Q Like, for example; he had -- he interviewed Chris Jackson,  
19 right?

20 A Correct.

21 Q And he advocated for his hiring, correct?

22 A Correct.

23 Q He even tried to negotiate wages for him and -- with you,  
24 correct?

25 A Correct.



1 Daniels?

2 A Yes. He did.

3 Q Do you know who he consulted with?

4 A I'm not 100 percent sure, but I know he was -- he would've  
5 interacted with Rose and he would've interacted with comp and  
6 benefits.

7 Q Why would he would've -- why would he have to interacted  
8 with Rose?

9 A Because she's the recruiting manager.

10 Q Okay. That's Rose Muncy?

11 A Yes. It is.

12 Q And who -- who in -- you said comp and benefits; is that  
13 one department or is that two separate departments?

14 A I believe it's one.

15 Q Where is that located?

16 A In Anchorage.

17 Q Do you know who he would've interacted with there in comp  
18 and benefits?

19 A I do not know for sure.

20 Q Would you have had the ability to overrule Jeff in his  
21 decision to hire Alan Daniels?

22 A Would I have had the ability?

23 Q Yes.

24 A I would've had to appeal it. Sure, I'd have the ability.

25 Q So you could've said, hey, I know you want to hire Alan



1 Daniels but I don't want to hire Alan Daniels; you could've  
2 said that, right?

3 A I wouldn't have though.

4 Q Could you have said that?

5 A No. No. I mean, it -- no, I wouldn't have. If he --  
6 if -- if he's, as a supervisor, and he's gone through the  
7 processes that we've set up for interviewing and -- and  
8 agreeing on people, then I wouldn't. I would let that ride.

9 Q But do you have the ability to override his decision?

10 A I believe I do. I mean, I guess I do.

11 Q Do you know if Jeff has -- Jeff Holmes has ever denied any  
12 employees time off that they've requested?

13 A I do not know for sure.

14 Q Does he notify you when employees request time off?

15 A He generally does.

16 Q How does he notify you?

17 A I'd be copied on an email usually.

18 Q Do you have the ability to hire employees, in Hillsboro?

19 A I believe I do.

20 MR. WIELECHOWSKI: All right. That's all I have. Thank  
21 you.

22 HEARING OFFICER STEFFANY: Mr. Brewer, real quick; I think  
23 you had just stated that when employees request off, Jeff  
24 Holmes copies you in an email?

25 THE WITNESS: Yep.



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1 Q And what does Tom do?

2 A "Okay."

3 Q Okay. And he hires the guy?

4 A Yes.

5 Q Have you ever told Tom you wanted to hire someone and he  
6 said no?

7 A No.

8 Q After you told Tom you wanted to hire someone and  
9 recommended actually hiring someone, has he or anyone else ever  
10 taken any other independent action beyond what had already  
11 occurred, to confirm whether or not the person should be hired?

12 A No.

13 Q Okay.

14 A No.

15 Q Of the current employees working at the Hillsboro NOC, how  
16 many of them did you participate in the hiring process on?

17 A Chris Jackson, Michael Lecompte, Alan Daniels, Wes  
18 Wangdom. That's -- I think that's it.

19 Q What about Patrick Craig?

20 A Oh, well, yes. Patrick was in the NOC for nine months and  
21 then transferred.

22 Q So --

23 A So, yes, Patrick Craig.

24 Q So, like, with Chris Jackson, what did you do?

25 A Chris was currently working in Hillsboro. Moved from

1 Alaska to Hillsboro. Was working in User Security in the  
2 office area. Touched base with him every day. I seen him in  
3 the kitchen and told him that we had a position open in the NOC  
4 if he was interested in switching his career path, so -- and --

5 Q Did he do it?

6 A Yes.

7 Q All right. So when he applied, then what happened next?

8 A Interview.

9 Q Who interviewed him?

10 A Myself and Tom.

11 Q Okay. And then who made the decision to hire Mr. Jackson?

12 A Well, I -- I did, because, I mean, Chris and I were -- I  
13 mean, I knew of him. I worked with him, so I did.

14 Q Okay. You told Tom, I want Chris, then?

15 A Yes.

16 Q All right. And what did Tom do?

17 A Started working with -- there was -- well, Tom hired him,  
18 but they had stuff they had to do in between because of his  
19 position.

20 Q Okay. Now, what happened with Michael, Wes Wangdom?

21 A Schedule the interview, interviewed him. That's --  
22 particular case, Tom was actually in town for, so we both got  
23 to meet him, then have the interview, scheduled his follow-up  
24 to come in and sit with the group, and then proceeded with the  
25 process of writing Wes on board.



1 Q Okay. Who made the recommendation whether or not Mr.  
2 Wangdom should be hired?

3 A I did.

4 Q Okay. What did Tom do?

5 A "Okay."

6 Q Now, did you -- okay. You talked about a guy named Alan  
7 Daniels?

8 A Yes.

9 Q All right. What happened with Mr. Daniels? He's the most  
10 recent hire, correct?

11 A Yes.

12 Q All right. How did that process work out?

13 A Actually, he viewed the applicant. I think we had three  
14 or four applicants, and viewed his resume and application,  
15 contacted him, schedule the in-person interview. That  
16 particular one, I was on the phone for that interview, and then  
17 had his -- scheduled his visit to come in to sit with the  
18 group. Same process as before; provided the reference checks,  
19 and then got the offer together and I -- I worked with Alan  
20 directly for about two weeks -- or about a week in regards to  
21 his offer and his counter-offer, and I worked with Rose Muncy  
22 in regards to the benefits and stuff.

23 Q Now, who made the decision, like, I want to hire Alan  
24 Daniels?

25 A I did.



1 Q Okay. And how did you communicate that to Tom?

2 A I want him.

3 Q Okay. And you just told him?

4 A Yeah.

5 Q Okay. And what did Tom say?

6 A "Okay."

7 Q Okay.

8 A Just like that, actually, "Okay."

9 Q All right. All right. Do you know of a guy named Nathan  
10 Seabury?

11 A Yes.

12 Q All right. I'm going to turn -- did you play any part in  
13 hiring Mr. Seabury?

14 A Yes.

15 Q All right. I'm going to turn your attention to  
16 Respondent's Exhibit 2. All right. So I want to turn you to  
17 the second page, please. If you can read that email from Mr.  
18 Brewer to Ms. Muncy, CCing Holmes, Jeffrey R.? Do you  
19 recognize this email?

20 A Yes.

21 Q Okay. At this point in the email string, what is  
22 happening?

23 A We're negotiating a -- we're -- we're moving forward with  
24 hiring Nathan.

25 Q Okay. So when we go -- at the bottom where it says,



1 "Rose, not sure how much" --

2 A Oh, I'm sorry.

3 Q -- "you can tell us."

4 A In regards to Chris Jackson. It was -- he was an internal  
5 applicant, and so Tom actually helped me this because the fact  
6 that the position that was posted was for a Junior Technician,  
7 and that's what he applied for. So I believe that his current  
8 pay scale at the time with User Security was higher than what  
9 the position was posted for.

10 Q Okay. Okay. Now, if you go up to the next email, it's  
11 from Rose to Tom Brewer, and it CCs you?

12 A Correct.

13 Q Okay. Now, where -- if you -- there's a line that says,  
14 "Good morning. Rick is looking at this. I hope to have an  
15 answer today." And then it says, "Were there any others that  
16 you guys would like to move forward with for the other  
17 position." When you read this -- when you read this line, what  
18 did you understand that Ms. Muncy was asking, regarding the  
19 hiring process?

20 A To see if I was interested in any other applicants.

21 Q Okay. And so there's an email up above, at the very  
22 bottom of page 1, top of page 2. It's from you, dated February  
23 16, 2014, and then it's to Ms. Muncy and Mr. Brewer. Is this  
24 your response to Ms. Muncy?

25 A Yes.



1 Q Okay. And what did you tell Ms. Muncy, regarding whether  
2 or not you wanted to hire anybody else?

3 A Rose, I have a few more to type up -- this was --

4 Q Looking at the email --

5 A -- in reference to just, when you conduct the interview,  
6 you have to fill out the -- the notes, the questionnaire.

7 Q No. No. No, for example; there's this email at the top  
8 of page 2 that says, "Hello and good morning" --

9 A Oh.

10 Q -- "Rose."

11 A Okay.

12 Q "Tom and I are both ready."

13 A Oh, I'm sorry.

14 Q What are you telling --

15 A I was on page 1.

16 Q -- her right there?

17 A I -- that I want Nathan Seabury.

18 Q Okay.

19 A I want to bring him on board as soon as possible.

20 Q Did you get Nathan Seabury on board?

21 A Yes.

22 Q After you said, "Hey, Nathan Seabury's coming on board,"  
23 did the company do anything else to check whether or not Nathan  
24 Seabury was going to come on board, like, conduct further  
25 interviews or anything like that?



1 A No.

2 Q No? Okay. You then just -- I guess it's fair to say, you  
3 then proceeded with, like, the reference checks, the  
4 background, and the pee test, and stuff like that?

5 A Yeah. I had the references checks, yes.

6 Q Okay. How does your authority to hire now differ between  
7 the first time you were a supervisor?

8 A I -- I handle more of the -- the financial end of it,  
9 working with the -- I can't remember the name of the forms that  
10 -- kind of like a racer (phonetic) form, but it's the -- the --  
11 where they decide on what package they can allow or provide the  
12 applicant for --

13 Q Let --

14 A -- salary range and --

15 Q Let me get a little more granular; what I want to know is,  
16 like, your authority to say, I want this guy, or I don't want  
17 this guy; how has your authority changed from then until now?

18 A None.

19 Q None?

20 A I mean, it's --

21 Q If you say, I'm not hiring -- I don't want to hire this  
22 guy, will some -- will that person be hired?

23 A No. No.

24 Q Okay. What involvement do you have in scheduling  
25 vacation?



1 A Vacations; I handle all vacations.

2 Q What do you do to handle them?

3 A They're submitted via email or in writing, mostly email.

4 I view the schedule to see if there's a spot open for a  
5 vacation and then schedule it, and then work appropriately with  
6 the remaining technicians to cover the vacation, whether it be  
7 myself or somebody else on shift.

8 Q Okay. And other than getting this -- so then after you  
9 approved and covered the shifts, do you do anything else about  
10 the vacation?

11 A Just post them.

12 Q Post them?

13 A Yeah.

14 Q Okay. For how long have you been scheduling vacation?

15 A Five years.

16 Q Five years?

17 A Yeah. Since my original supervisor role.

18 Q Okay. Have you ever heard of the term "cable systems  
19 group"?

20 A Yes.

21 Q All right. And what is that?

22 A Cable Systems was formed from WCI Cable when ACS purchased  
23 us -- or purchased WCI Cable, and it represents the two  
24 submarine cables; Northstar and AKORN, and the terrestrial  
25 fiber from Seattle to the landing stations.



1 Q On anyone that works under you.

2 A You're really getting me on these dates. So I was demoted  
3 from my title, was what -- what did I say it was, 2016? No,  
4 2015 it was. So to be -- the beginning of 2015 was the last  
5 time I formally wrote them. The end of 2015, I provided Word  
6 documents and emails to Bill Kositz on everyone that reported  
7 to me before I lost my position.

8 Q So you haven't issued -- or you haven't issued performance  
9 evaluations in 2018, 2017?

10 A We did not have them in 2017 and 2018.

11 Q Okay.

12 A The last ones that were done were 2016 by Kositz.

13 Q So you haven't issued a performance evaluation since at  
14 least 2016?

15 A Yes, sir.

16 Q And when was the last time you approved leave for Andrey  
17 Kondor?

18 A Yesterday.

19 Q Yesterday?

20 A Yes.

21 Q Okay. How about prior to that?

22 A Every other week the entire summer.

23 Q When you're approving leave for Andrey Kondor, are you  
24 asking Tom Brewer for permission before you approve that leave?

25 A No, sir.



1 Q So if Andrey Kondor testified that Tom Brewer approves his  
2 leave, even as of 12 days ago, that would've been incorrect?

3 A That would be shocking. I have over 150 emails in a  
4 vacation folder on my Outlook I could pull up right now where I  
5 say "Approved" on every single vacation request.

6 Q When Andrey Kondor requests leave from you, does he copy  
7 Tom Brewer --

8 A No, sir.

9 Q -- on those requests?

10 A I can show you an email from yesterday where it was just  
11 to me.

12 Q What --

13 A I'm actually shocked at what you're saying, to the point  
14 where it's -- it's upsetting. So I don't know where you're  
15 going with this, but the only time that Andre's email has ever  
16 gone to Tom Brewer is when he take -- took every other week off  
17 for the summer. I said, "Tom, FYI, we're going to have a guy  
18 out for 13 weeks this summer. There's going to be a lot of  
19 overtime," so there's no way he testified to that.

20 Q Okay. So have you ever asked Tom if it was okay for an  
21 employee to take extended leave?

22 A I've never asked for the okay. I've -- Chris Jackson has  
23 taken two vacations, in my tenure, to Thailand; first one I  
24 approved at my son's wrestling match. I said, go for it. It  
25 was last-minute notice. He was just coming onboard to our



1 team. I said, I'll take care of it. Go have fun. The second  
2 time was this past summer, but he scheduled it a year in  
3 advance, because Chris is a stand-up guy. He wants to make  
4 sure it's taken care of, and I let Tom know, hey, you're going  
5 to -- the reason I have to let Tom know -- or have to is the  
6 wrong word -- is because the overtime is going to be  
7 substantial, so I'd rather tell Tom we're going to have a guy  
8 off for three weeks than him getting a report saying he had 60  
9 hours of overtime.

10 Q Are there any other times when you have sought Tom  
11 Brewer's approval before approving someone's leave?

12 A No, sir.

13 Q Have you ever denied anyone leave?

14 A Yes.

15 Q Who?

16 A Scott Sheer.

17 Q When was that?

18 A Actually, when I was acting -- acting supervisor, because  
19 it was excessive, where the policy that the company has in  
20 place for us does not really fit for a 24 by 7 operation, so I  
21 said, you know, you're at ten weeks for the year. You can't  
22 have two weeks.

23 Q When was that?

24 A During Kositz's time, and then Kositz backed me up,  
25 because even during the time where I was acting supervisor, I



1 approved vacation --

2 Q So you were --

3 A -- without --

4 Q And so if it was Bill -- during Bill Kositz's time, then  
5 Bill Kositz would've been Scott Sheer's supervisor, correct?

6 A He was his manager, but as I testified earlier, the  
7 directive was given the day that I was demoted, that Jeff  
8 Holmes still runs the NOC as he did before. So when it came to  
9 vacations and stuff, I was just day-to-day operations.

10 Q Has there ever been another time when you disagreed with  
11 someone's leave?

12 A The majority of my staff has been six, including myself,  
13 for a great number of years. We've had unlimited vacation for  
14 two years. I can't remember every vacation request that came  
15 through, but I make attempt to not be less than four people on  
16 staff at any given time for a week. So if somebody put in for  
17 a vacation, if it was last minute, it may have been turned  
18 down, but I can't give you exact reference of that as it  
19 happened.

20 Q When it --

21 A Our guys take a lot of vacation. They get a lot of  
22 vacations.

23 Q When employees request leave for you, do they ever copy  
24 Tom Brewer on those requests?

25 A I'd have to go back and check. No, I --



1 Q Never?

2 A I can't remember one that they have.

3 Q Do you ever notify Tom Brewer when you're approving  
4 someone's leave?

5 A No, sir.

6 Q Never?

7 A I send -- I send -- no, I don't. I mean, I've given you  
8 two examples where I've referenced Tom because of the duration  
9 of Andre's leave and Chris Jackson's three weeks' being gone at  
10 one time. And I've done that twice under Tom.

11 Q Who approves timesheets for the people that you -- are  
12 under your supervision?

13 A I do.

14 Q How long have you been approving those timesheets?

15 A Which times?

16 Q (No verbal response).

17 A In 2013 to 2016, I approved all timesheets.

18 Q Okay. How about this latest period of time that you've  
19 been a supervisor from March, roughly, of 2018 until the  
20 present?

21 A Chris King added me to the eTime access and as soon as I  
22 was promoted at the beginning of the year, before that, she  
23 couldn't, and then I started approving timesheets when Tom  
24 Brewer went to Wisconsin and he wasn't available.

25 Q When was that?



1 A Five -- four months ago. I -- I --

2 Q And you've approved timesheets for the last four months,  
3 every week or every couple of weeks?

4 A Four months may be inaccurate. I -- I can't remember when  
5 Tom went on vacation. It's -- it just started three months  
6 ago.

7 Q And so you have approved timesheets? Is -- are timesheets  
8 approved weekly or biweekly?

9 A Biweekly, sir.

10 Q Okay. And so you've approved every timesheet for everyone  
11 that's worked under you, for the last three months?

12 A Except for the -- the one prior. I couldn't get logged in  
13 remotely because I'm off on Thursdays and I had approved half  
14 of them and then I couldn't get to my phone in time to do it,  
15 so Tom went ahead and done it.

16 Q What -- how many times did that happen?

17 A Just once.

18 Q So if Andrey Kondor and Chris Jackson testified that Tom  
19 Brewer approved their timesheets as of a couple of weeks ago,  
20 they would -- that would be incorrect?

21 A That was the one I just told you about. It's probably the  
22 ones -- they work on the second half of the week. I work  
23 Sunday through Wednesday. They work Wednesday through  
24 Saturday. My days off are Thursday, Friday, Saturday. I stay  
25 plugged in as much as possible, but even the great Jeffrey



1 Q Okay. What are you look at when you look at the resumes?

2 A Possible -- in regards to some of the people that -- the  
3 position that's posted, they apply with their application and  
4 resume. The first found, their names are excluded so you're  
5 just going by their merit. And you look to see if they --  
6 their -- they kind of match the job skills that I'm looking for  
7 or the company's looking for in regards to Hillsboro.

8 Q Okay. So you look at the resume and say, hey, no name, it  
9 looks like this guy fits the bill?

10 A Uh-huh.

11 Q Okay. And then on that basis, you decide to hire the  
12 person?

13 A Well, I decide to move forward.

14 Q Excuse me. You decide to interview the person.

15 A Yes.

16 Q Okay. And then once you interview the person, what are  
17 you considering?

18 A How they answered the questions, how they conducted  
19 themselves. Were they on time for the interview?

20 A Okay.

21 Q And then, really just -- I'm not looking for the exact  
22 answer --

23 A Uh-huh.

24 Q -- because I mean, it's not that important to me. I'm  
25 looking to see if the person is trainable in their past



1 history.

2 Q Okay. And then once you went through the interview  
3 process, is that the information you use to decide whether or  
4 not -- how do you use that experience on the resume and the  
5 interview to decide whether or not you want to hire the person?

6 A I think the key is the next step is I have them sit in  
7 with the group.

8 Q Uh-huh.

9 A And let the group kind of get a feel for them. And I've  
10 learned that through experience with bad hires.

11 Q Okay. And then so once you've had -- you've looked at the  
12 resume and assessed the qualifications, you've met with them,  
13 you're comfortable with what they're telling you during the  
14 interview, and then you're comfortable they work out the group,  
15 how does all that information play into your assessment as to  
16 whether or not you want to hire that person?

17 A I look at it as they're trainable. They have a history of  
18 training in regards to learning new platforms. They're  
19 personable. They're okay to be around. They're not, you know,  
20 squeamish. They're a little bit more open. They can work in  
21 an environment to where you're working with somebody else or  
22 you're working -- sitting down for a long period of time. That  
23 all goes into how I determine if I want the person or not.

24 Q Okay. And it's on that basis that you say I want to hire  
25 the person?



1 A Correct.

2 Q Okay. Oh, good. On Patrick Craig, did you interview him?

3 A Yes.

4 Q Okay. Did you participate in the second interview, too?

5 A Yes.

6 Q Okay. And then after you did that, did you consider all  
7 the information you previously just told him about?

8 A Yes.

9 Q Okay. And then what did you do regarding your  
10 recommendation as to whether or not he should be hired?

11 A I told Mr. Kositz it was a no-brainer.

12 Q Okay. And then as far as you understand, what happened  
13 next with Mr. Craig?

14 A Mr. Kositz hired him.

15 Q Okay. Are the WCI and ACS network still two different  
16 networks?

17 A Yes.

18 Q Okay. Why is that?

19 A Senior manage -- we had a director, Jack Owund (phonetic)  
20 and the senior manager Bill Kositz did not want to bridge the  
21 networks.

22 Q Okay.

23 A It was attempted once and never moved past the  
24 implementation of talking about it.

25 Q Oh, so they remain unconnected?



OFFICIAL REPORT OF PROCEEDINGS  
BEFORE THE  
NATIONAL LABOR RELATIONS BOARD  
SUB-REGION 36

In the Matter of:

Alaska Communications Systems      Case No.      19-RC-226955  
Holding, Inc.,

Employer,

and

International Brotherhood of  
Electrical Workers, Local 1547,  
AFL-CIO,

Petitioner.

\_\_\_\_\_  
\_\_\_\_\_

Place: Portland, Oregon

Dates: October 4, 2018

Pages: 1150 through 1306

Volume: 7

OFFICIAL REPORTERS  
eScribers, LLC  
E-Reporting and E-Transcription  
7227 North 16th Street, Suite 207  
Phoenix, AZ 85020  
(602) 263-0885



1 Q Who's watching the alarms on that personal network to the  
2 demarc?

3 A The Anchorage INMC.

4 Q Okay. And what role does the cable systems group play in  
5 monitoring those alarms?

6 A They don't.

7 Q Okay. Who's the most recent person to start working at  
8 the cable systems NOC?

9 A Alan Daniels.

10 Q Okay. Can you describe -- do you know on or about what  
11 day he started working?

12 A I forget his actual start date.

13 Q Okay.

14 A I don't recall exactly what his start date is. It's in  
15 the last two months.

16 Q Okay. How did that hiring process go down?

17 A The same as it has in the past. The position was posted,  
18 applicants applied, the recruiting manager would send out the  
19 applications and resumes to Jeffrey. He would have reviewed  
20 them and selected whatever he felt was the ones he wanted to  
21 pursue. He would have then set up the interviews, and I would  
22 have been on the interview with him.

23 He would have then -- after the interview is complete,  
24 Jeffrey and I would compare notes and decide whether he wanted  
25 to move forward. And then we would set up a schedule -- a



1 follow-up meeting with the candidate.

2 Q Okay. And then after the follow-up meeting, what happens?

3 A The follow-up -- after the follow-up me get, Jeffrey takes  
4 the input from the other technician specialists in the NOC and  
5 asks if they have any worries or concerns about him. If the  
6 answer's no, then he'll -- he'll go ahead and decide if he  
7 wants to hire him.

8 Q Okay. And so who makes the recommendation to hire the --  
9 like who made the recommendation to hire Alan?

10 A Jeffrey did.

11 Q Okay. And what happened after he makes that  
12 recommendation?

13 A Then HR and the comp and benefits people get involved.  
14 Jeffrey contacts them. They get -- come up with the offer  
15 letter based on what they can offer him, and -- and Jeffrey  
16 would send the offer letter out.

17 Q Okay. Do you know who signed the offer letter for  
18 Mr. Daniels?

19 A Jeffrey did.

20 Q Okay. Are you aware that Michael LeCompte was promoted?

21 A I am.

22 Q Okay. How was the decision made to promote Michael  
23 LeCompte?

24 A Jeffrey came to me with a recommendation to promote him --

25 Q Okay.

1 Q And you're Kim Daschel's direct supervisor, just so we're  
2 clear, right?

3 A That is correct.

4 Q When did Anatoliy become the supervisor of the -- when did  
5 he become a supervisor?

6 A September 2017, I believe.

7 Q Could I get you to turn to Union Exhibit 3?

8 A I have it.

9 Q Could you turn to the second page? It's a smart goal from  
10 Mark Anderson.

11 A I am there.

12 Q And lists his supervisor as being Gregory Tooke?

13 A Yes, it does.

14 Q And then if you go down and look at some of the goals, the  
15 start date for the four goals there is January 1, 2018?

16 A Yes.

17 Q Get you go to Bates stamp page 898, smart goal for Shayne  
18 Burnem?

19 A I found it.

20 Q And that lists his supervisor as being you, Gregory Tooke?

21 A That is how it is listed.

22 Q And for the goals that are being set, it's -- it has the  
23 start date of being January 21, 2018 for each of those goals?

24 A Yes.

25 Q Get you to turn to page to Patrick Craig's 2018 smart



**From:** Holmes, Jeffrey R.  
**Sent:** Thursday, January 16, 2014 12:23 PM  
**To:** Muncy, Rose <[Rose.Muncy@acsalaska.com](mailto:Rose.Muncy@acsalaska.com)>  
**Subject:** RE: Hillsboro Candidate

Rose, I have a few more to type up but here are the rest.

Thank You again, you have truly made this a great experience for me.

Jeffrey

**From:** Muncy, Rose  
**Sent:** Thursday, January 16, 2014 10:54 AM  
**To:** Holmes, Jeffrey R.  
**Subject:** RE: Hillsboro Candidate

All the other interview notes of people you interviewed...remember that list you identified for me?

**From:** Holmes, Jeffrey R.  
**Sent:** Thursday, January 16, 2014 9:53 AM  
**To:** Muncy, Rose  
**Subject:** RE: Hillsboro Candidate

Thanks Rose, what else would I have to send via interoffice?

Jeffrey

**From:** Muncy, Rose  
**Sent:** Thursday, January 16, 2014 10:50 AM  
**To:** Holmes, Jeffrey R.; Brewer, Thomas G.  
**Subject:** RE: Hillsboro Candidate

Excellent! Please send me the interview notes via scan or fax for Nathan and the rest you can put in interoffice mail to MS#15.

*Rose Muncy, PHR CIR*  
*T: [907] 564-1259*  
*F: [907] 564-8554*



Call us today! (907) 564-1259  
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Careers at ACS: [www.alaskacommunications.com/careers](http://www.alaskacommunications.com/careers)

**From:** Holmes, Jeffrey R.  
**Sent:** Thursday, January 16, 2014 9:47 AM

*R2*