

OFFICIAL REPORT OF PROCEEDINGS
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
REGION 31

In the Matter of:

Ikea Distribution Services, Case No. 31-RC-266527
Inc.,

Employer,

and

United Maintenance Technicians
of Tejon,

Petitioner.

Place: Los Angeles, California (via Zoom Videoconference)

Dates: October 16, 2020

Pages: 339 through 471

Volume: 3

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

<p style="text-align: right;">Page 343</p> <p>1 PROCEEDINGS</p> <p>2 HEARING OFFICER FONG: Okay. Good morning, everyone. We</p> <p>3 are on day three of the IKEA RC proceeding.</p> <p>4 We had -- since the inception of the 9 a.m. started time,</p> <p>5 we've had some off-the-record discussions as to certain -- two</p> <p>6 pictures sent by the Employer and -- as to the maintenance</p> <p>7 area. We were discussing whether the propriety of admitting</p> <p>8 those for the strength of the record.</p> <p>9 I will address that later on, on the record, and I will</p> <p>10 have -- subject to addressing those, I'm going to have -- I'm</p> <p>11 going to call back for rebuttal Mr. Petitioner for some</p> <p>12 additional questions on -- on -- on prior testimony on the</p> <p>13 maintenance-only areas on the chart introduced earlier as</p> <p>14 Petitioner's 3.</p> <p>15 Okay. Subject to that, the -- the Hearing -- the Hearing</p> <p>16 Officer would like to call the team lead for the maintenance</p> <p>17 employees as the Region believes that should further clarify</p> <p>18 the record with -- with regards to the community of interest at</p> <p>19 issue.</p> <p>20 That said, I have the next -- the Hearing Officer, again,</p> <p>21 the Region's next witness in order. Let me go ahead and swear</p> <p>22 you in.</p> <p>23 Can you please state your -- your name for the record?</p> <p>24 MR. NEWMAN: Mitchell Newman.</p> <p>25 HEARING OFFICER FONG: Mitchell Newman.</p>	<p style="text-align: right;">Page 345</p> <p>1 know, don't guess. Just say, I don't know. But there'll be</p> <p>2 some questions where your guess -- best estimate is fine. I'll</p> <p>3 give you further guidance on that. Okay?</p> <p>4 THE WITNESS: Okay.</p> <p>5 HEARING OFFICER FONG: Just get my highlighter here.</p> <p>6 Okay. Mr. Newman, can you tell me your current job title</p> <p>7 for the IKEA location in Tejon?</p> <p>8 THE WITNESS: My current job title right now is interim</p> <p>9 maintenance team leader.</p> <p>10 HEARING OFFICER FONG: Okay. And how long -- how long</p> <p>11 have you held that title?</p> <p>12 THE WITNESS: I got that position in May of this year.</p> <p>13 HEARING OFFICER FONG: May of last -- May of this year?</p> <p>14 THE WITNESS: Yes.</p> <p>15 HEARING OFFICER FONG: Before that, what position did you</p> <p>16 hold?</p> <p>17 THE WITNESS: I was a maintenance technician.</p> <p>18 HEARING OFFICER FONG: Okay. So you pretty much got</p> <p>19 promoted from maintenance technician to a -- to an interim team</p> <p>20 lead?</p> <p>21 THE WITNESS: Correct.</p> <p>22 HEARING OFFICER FONG: Okay. How long were you a</p> <p>23 maintenance technician --</p> <p>24 THE WITNESS: On --</p> <p>25 HEARING OFFICER FONG: -- at the facility there?</p>
<p style="text-align: right;">Page 344</p> <p>1 Whereupon,</p> <p>2 MITCHELL NEWMAN</p> <p>3 having been duly sworn, was called as a witness herein and was</p> <p>4 examined and testified, telephonically as follows:</p> <p>5 Whereupon,</p> <p>6 HEARING OFFICER FONG: Thank you so much.</p> <p>7 Thank you for being here. This is a nonadversarial</p> <p>8 hearing. It's just a fact-finding hearing. You're here</p> <p>9 because you have a lot of facts that will assist all parties in</p> <p>10 determining the issue at hand.</p> <p>11 I'll just remind you to speak -- speak slowly, loudly.</p> <p>12 Be so kind to wait till I'm done talking because it is</p> <p>13 being transcribed so when -- if people talk over each other the</p> <p>14 court reporter is going to have a hard time. So kindly be</p> <p>15 patient in terms of waiting till its your turn to ask questions</p> <p>16 (sic).</p> <p>17 If there's any -- I think you've been advised if there's</p> <p>18 any objections, hold up till I make a ruling. I don't</p> <p>19 anticipate any.</p> <p>20 Be at ease. Again, this is just a fact-finding hearing.</p> <p>21 Okay? I'll ask you some questions, then Mr. Petitioner has --</p> <p>22 will also ask you some questions, as well, just for the full</p> <p>23 benefit of the record. Okay?</p> <p>24 THE WITNESS: Okay.</p> <p>25 HEARING OFFICER FONG: If you don't know something, you</p>	<p style="text-align: right;">Page 346</p> <p>1 THE WITNESS: On and off about five years.</p> <p>2 HEARING OFFICER FONG: Okay. Before that, did you hold</p> <p>3 any other positions at IKEA, that location at issue?</p> <p>4 THE WITNESS: Yeah. So I got hired on in 2006 as a</p> <p>5 warehouse coworker, and then from there, I did different things</p> <p>6 throughout the warehouse and then -- and then I went to be an</p> <p>7 IVS trainer.</p> <p>8 HEARING OFFICER FONG: Okay.</p> <p>9 THE WITNESS: And then from there, I -- I went into</p> <p>10 Safety.</p> <p>11 HEARING OFFICER FONG: In the safety department?</p> <p>12 THE WITNESS: Correct.</p> <p>13 HEARING OFFICER FONG: In what position? What position?</p> <p>14 THE WITNESS: I was a safety coordinator.</p> <p>15 HEARING OFFICER FONG: Okay. And then afterwards?</p> <p>16 THE WITNESS: And then that's when I went to maintenance.</p> <p>17 HEARING OFFICER FONG: Okay. When you started</p> <p>18 maintenance, what type of special training were you provided?</p> <p>19 THE WITNESS: Well, we --</p> <p>20 HEARING OFFICER FONG: When you --</p> <p>21 THE WITNESS: Maintenance has specialized training so</p> <p>22 they -- it's like ladder training, lock out/tag out, BHS.</p> <p>23 There's different specialized training for maintenance.</p> <p>24 HEARING OFFICER FONG: Give me a few additional ones that</p> <p>25 you can recall.</p>

<p style="text-align: right;">Page 347</p> <p>1 THE WITNESS: Hand saws, power equipment -- or there's -- 2 there's hand tools, things like -- along that nature. 3 HEARING OFFICER FONG: How long was your -- was there an 4 initial period of training, heavy training, before you were 5 fully on -- allowed to be a fully on maintenance technician? 6 And I'm talking about your transition from Safety when you 7 first started being a maintenance technician, was there a 8 period, initial period of heavy training? Were you, like, a 9 quasi-maintenance technician till you completed fully training 10 or was the training like sporadic, I mean throughout your 11 beginning period as a maintenance employee. Can you elaborate 12 on that? 13 THE WITNESS: So -- so I'm sorry. Go back a little bit. 14 Before I became a maintenance tech, I was a BHS tech for a 15 little while, for about -- for about nine months. So that's -- 16 HEARING OFFICER FONG: Was that at IKEA? 17 THE WITNESS: Yeah. 18 HEARING OFFICER FONG: Was that at IKEA you were a BHS 19 tech? 20 THE WITNESS: Correct. 21 HEARING OFFICER FONG: Okay. And then what's a BHS tech? 22 THE WITNESS: That's a battery handling equipment so 23 they -- they deal with the chargers and batteries. 24 HEARING OFFICER FONG: Is that -- is that the same as a 25 power equipment -- a power equipment technician?</p>	<p style="text-align: right;">Page 349</p> <p>1 THE WITNESS: I would have to know a little bit about 2 their background before I could do that, but just a regular 3 warehouse worker, no, it doesn't work that way. 4 HEARING OFFICER FONG: In terms -- knowing about their 5 background, are you referring to what kind of technical 6 maintenance technician experience they would have had before 7 going into a full maintenance mode? 8 THE WITNESS: Well, I mean it -- it just depends. Like, 9 everybody's different so we've had some people who's -- who's 10 been welders or plumbers. I have a diesel mechanic 11 certification, so that's where I got some of my knowledge. 12 HEARING OFFICER FONG: I see. I get it. I get it. Okay. 13 Very well. Thank you so much. 14 What is -- which -- which shift do you -- are you the team 15 lead for? 16 THE WITNESS: First shift. 17 HEARING OFFICER FONG: And what are the first shift hours? 18 THE WITNESS: That's from 5 to -- or sorry -- 5 a.m. to 19 1:30 p.m. 20 HEARING OFFICER FONG: Okay. And what about your -- what 21 about your shift, a team lead shift? What is a team lead 22 shift? 23 THE WITNESS: I come in only about 30 minutes before, so 24 4:30 to when I'm done. There's not really a time when I leave. 25 HEARING OFFICER FONG: Okay. Do you leave -- do you go</p>
<p style="text-align: right;">Page 348</p> <p>1 THE WITNESS: No, not -- not really. 2 HEARING OFFICER FONG: Okay. 3 THE WITNESS: It's just on the other side of it. 4 HEARING OFFICER FONG: Okay. And then you were saying as 5 a tech -- you were saying types of training? 6 THE WITNESS: Yes. The same -- kind of along the lines of 7 the training for the techs but not as in detail. 8 HEARING OFFICER FONG: Okay. Okay. Go on, go on. 9 THE WITNESS: And so -- and then that's where I became -- 10 you know, I moved up and -- and started learning more, and then 11 that's when I became a maintenance tech. 12 HEARING OFFICER FONG: All right. Okay. Would you be 13 able to put a general warehouseman in a maintenance tech 14 position and have him start right away? 15 THE WITNESS: I'm sorry. What was that? You broke up a 16 little bit. 17 HEARING OFFICER FONG: In terms of would you be able to 18 put a general warehouseman in the maintenance tech -- let's say 19 if -- if a maintenance out there -- there has been testimony 20 that some general warehousemen have been promoted to the 21 maintenance tech position. My question is -- let me backtrack. 22 Can you -- my question is would you -- in your experience, 23 would you be able to be put a general warehouseman into a 24 maintenance position and have them start as a maintenance tech 25 right away?</p>	<p style="text-align: right;">Page 350</p> <p>1 past the first shift maintenance -- maintenance first shift's 2 hours? Do you go past those hours? 3 THE WITNESS: Yes, quite a bit. 4 HEARING OFFICER FONG: Okay. Okay. How many -- how 5 many -- how many -- maintenance tech -- you're doing fine. 6 You're doing very fine, well. Okay. Thank you so much. 7 You're doing very well. 8 THE WITNESS: Thank you. 9 HEARING OFFICER FONG: How many maintenance technicians do 10 you supervise as -- in the shift -- in the first shift? 11 THE WITNESS: I have four maintenance techs and then one 12 equipment -- power equipment operator or technician. 13 HEARING OFFICER FONG: Okay. Can you explain me some of 14 your common job duties and job responsibilities in a typical 15 day as it relates to supervising these maintenance technicians? 16 THE WITNESS: So in my end, what I would do is when I come 17 in early, I check out the workload and see what everybody has 18 and then I'll just -- I go from there. I make sure that 19 everybody has their jobs that they're doing and then we'll have 20 a short, like, pre -- pre-shift and I'll talk to them about, 21 you know, random things that's been brought up in emails or 22 whatever it is. And then I -- I pass on work through a CAFM 23 work-order system. 24 HEARING OFFICER FONG: Okay. 25 THE WITNESS: And they get their work a lot of times.</p>

<p style="text-align: right;">Page 351</p> <p>1 HEARING OFFICER FONG: Okay. And these orders are coming 2 from the CAFM -- who submits the orders? 3 THE WITNESS: It could be anyone from a coworker, a team 4 leader, an operations team leader, myself. 5 HEARING OFFICER FONG: What percentage -- what percentage 6 of the work assignments that you give to the maintenance 7 technicians -- what percentage comes from these CAFM orders? 8 THE WITNESS: Probably -- I mean, it's supposed to be 100 9 percent, but -- everything's supposed to come from them; that's 10 how they get their work, but it doesn't normally work out that 11 way. But I would say 50 to 75 percent. 12 HEARING OFFICER FONG: Okay. And the remaining 30 13 percent, I take it, is -- is through an informal manner, like, 14 you know -- can you tell me about that? 15 THE WITNESS: Yeah, correct. So like if we get a call or 16 something like that, I'd send them out and say, hey, can you 17 fix this. But it's not really documented. It's just kind of 18 it's an emergency. 19 HEARING OFFICER FONG: And we heard -- we've heard prior 20 testimony before where if a maintenance technician happens to 21 be in building 5 and, you know, a general -- something breaks 22 down, he happens to be there, either a team leader or general 23 warehouse, if it's something small, I take it -- we heard 24 testimony before where they'll flag that -- that maintenance 25 technician and he'll fix it on the spot. Is that -- is that</p>	<p style="text-align: right;">Page 353</p> <p>1 things -- things along those lines. 2 HEARING OFFICER FONG: Okay. In your -- in your job -- in 3 your job responsibility as a team lead, are you restricted to a 4 particular building or do you kind of walk all throughout the 5 facility as things break down and need fixing or anything in 6 addition to that? Can you explain that? 7 THE WITNESS: I mean, I would like to be out on the floor 8 a lot more than I am, but yes, it's not designated to one area. 9 I get -- I get stuck in emails a lot of times and I can't pull 10 myself away. And I have to contact vendors and random things 11 like that. But if there's an issue, I definitely go out there 12 and -- and meet with the guys and -- and have -- and if they -- 13 he can show me something, definitely. 14 HEARING OFFICER FONG: Okay. Thanks so much. 15 Besides these CAFM orders, I mean for this CAFM orders, 16 again, this come through -- okay, you stated -- you did they 17 came from either general warehouseman or team leads. Besides 18 the CAFM, is there a location where, like, other team leads 19 from different departments -- will they call you directly and 20 be like, hey, send so-and-so, or is that going through -- 21 through the walkie-talkie, or both, or what else -- 22 THE WITNESS: I -- 23 HEARING OFFICER FONG: -- in the sense of a team lead? 24 THE WITNESS: It happens through both. 25 MR. WEDEKING: May I --</p>
<p style="text-align: right;">Page 352</p> <p>1 consistent with what you described as an informal way of doing 2 some additional maintenance work? 3 THE WITNESS: Yeah. I mean, everyone knows the 4 maintenance team here, so that they get flagged down quite a 5 bit for random things here and there, so. 6 HEARING OFFICER FONG: And I -- I've -- I read the culture 7 of IKEA and the original guidance and I take it, you know, 8 everyone's supposed to get along, they work together so there's 9 some sort of informality in making those requests, correct? 10 THE WITNESS: Yeah, but that's just -- that's the IKEA 11 way. I mean, we're -- we're out to help. Our customer is 12 everybody out there. That's who we serve and that's who we're 13 going to help and so that's how we serve them. I mean, in the 14 stores, it's customers going to the IKEA coworkers, but ours is 15 IKEA coworkers coming to us. 16 HEARING OFFICER FONG: Okay. Thanks so much. 17 Now, what -- what -- if there's -- like, the CAFM orders. 18 I guess they tell me they're usually for a conveyor belt or -- 19 I forget the specific type of equipment, large mechanical 20 equipment that need some maintenance. Can you give me a few of 21 the large pieces of equipment where an order will be requested 22 for a maintenance person to go, like a conveyor belt of that 23 sort, additional names? 24 THE WITNESS: It could be anything as small as like a 25 water fountain or as large as a conveyor belt, ASRS, racking,</p>	<p style="text-align: right;">Page 354</p> <p>1 THE WITNESS: It happens through both, so I mean, I'll get 2 calls and I'll -- I'll have the radio call. 3 HEARING OFFICER FONG: All right. Well, hold on. I'm 4 sorry. I got a call failure. I got my phone disconnected, so 5 let me call back in. Okay? Just hang in there everybody. 6 Calling right back. Let me dial in, put in the ID number and 7 all that. I'll be a minute. Thanks. 8 All right. Sorry about that. I called back in. 9 You can hear me okay, Mr. Mitchell (sic)? 10 THE WITNESS: I can hear you, yes. 11 HEARING OFFICER FONG: Madame Court Reporter as well? 12 Everybody else, you can hear me? 13 THE COURT REPORTER: Yes, sir. 14 HEARING OFFICER FONG: Okay. Thanks so much. 15 Okay. Are maintenance technicians allowed -- when 16 they're -- when they -- when they go to a particular job order 17 request, are they allowed to request assistance from another -- 18 say that you got requested for a conveyor belt with general 19 warehouse -- general warehousemen, have you seen -- are they 20 allowed -- is a maintenance technician allowed to ask for 21 assistance of a general warehouse in preparing the particular 22 equipment that's broken? 23 THE WITNESS: No, not really. We don't really use the 24 warehouse workers to -- to do stuff like that. 25 HEARING OFFICER FONG: Okay.</p>

<p style="text-align: right;">Page 355</p> <p>1 THE WITNESS: Mostly, we'll use other techs to, like, 2 double up and work on stuff like that. 3 HEARING OFFICER FONG: Oh, to double up other maintenance 4 techs? 5 THE WITNESS: Yes. 6 HEARING OFFICER FONG: Certainly, I understand from prior 7 testimony the technician cannot be on a warehouseman, hey, you 8 know, what happened, what were you doing, how did it break. Is 9 that correct when that happens? 10 THE WITNESS: Right. As far as like -- I mean, we weren't 11 using the equipment when we got there or when it went down, so 12 we like to hear what kind of noise it was making or something 13 like that. So they would -- they can tell us what was going 14 on, but they don't normally work on it. 15 HEARING OFFICER FONG: And why would they not normally 16 work on it? I think it's the obvious reason, but you'll see in 17 these proceedings, the obvious sometimes needs to be stated. 18 Why would they -- why -- as a team lead, why would the -- a 19 general warehouseman in that scenario, like they testified -- I 20 mean, presented, would they not normally work on -- along with 21 maintenance technicians? 22 THE WITNESS: For safety reasons. So like if they need to 23 get on ladders, they're not trained on ladders. If they need 24 to use hand tools, they're not trained in hand tools. Things 25 along those lines.</p>	<p style="text-align: right;">Page 357</p> <p>1 to COVID issues. 2 THE WITNESS: I mean, it's gone up. I mean, we -- it went 3 from safety doing the cleanups and then -- I guess it was 4 always maintenance/facilities' responsibility but then because 5 at the time, we got a new manager so we got into it a little 6 more and we started doing more cleanups. I think we had one 7 cleanup where it was just us. 8 HEARING OFFICER FONG: Okay. Beside -- besides the 9 cleaning crew, is there another team in the facility that's 10 assigned to COVID -- like, it's a COVID response team? For 11 unit employees, hourly employees? Not management. Besides the 12 cleaners, is there another team? COVID -- is there another 13 team, and if so, who would that team be assigned to handle 14 COVID -- COVID-19 related issues? 15 THE WITNESS: It wouldn't be regular coworkers. It would 16 be the maintenance team and the safety team would be the only 17 ones that are called in. 18 HEARING OFFICER FONG: And as to the safety team, how 19 would the safety team get involved? 20 THE WITNESS: So they need to open the building. And then 21 they would communicate. Communication is what safety is there 22 for. 23 HEARING OFFICER FONG: Okay. And now, can you give me 24 a -- can you give me the most recent example, just for the 25 record, as to how -- what happened and how -- did employees</p>
<p style="text-align: right;">Page 356</p> <p>1 HEARING OFFICER FONG: I would suppose so. That makes 2 sense. And I don't want -- and I don't want anybody not 3 knowing electrical work -- 4 THE WITNESS: Right. 5 HEARING OFFICER FONG: -- getting in on the -- with 6 electricity. I understand. That's -- that's my testimony, not 7 yours. 8 What -- what -- tell me a little bit about maintenance- 9 only areas. Where are those about the facility? And we already 10 know buildings 1, 2, 3, 4, 5, 6; we know the layouts. We heard 11 prior testimony on that. 12 THE WITNESS: The -- really, only the maintenance 13 issues -- or maintenance-only areas are the maintenance shop, 14 the ASRS behind it and inside of it. Over the conveyors is 15 only a maintenance area. The reason why is -- is safety 16 reasons. We -- if -- if there's people passing by and we're 17 working on something, it's going to -- it's a safety concern. 18 So we'd rather not have them in that area. 19 HEARING OFFICER FONG: Okay. Are cleaners allowed in that 20 maintenance-only area? 21 THE WITNESS: Yeah. So especially with the COVID going 22 on, they're -- they got to do a lot of touchpoints so they're 23 in there quite a bit, cleaning. 24 HEARING OFFICER FONG: Okay. What -- tell me a little bit 25 about the maintenance employees' responsibilities as it relates</p>	<p style="text-align: right;">Page 358</p> <p>1 leave? Did the maintenance technicians stay thereafter to 2 clean up or to do what? Give me one example, the most -- the 3 last reason that you can recall. 4 THE WITNESS: So -- 5 HEARING OFFICER FONG: And a approximate date. 6 THE WITNESS: I -- I don't know the date. But what 7 happens in a cleanup is everybody -- the building shuts down, 8 and then so management figures out what steps need to be taken. 9 And then they'll call out either myself or whomever, and then 10 we will call the team saying okay guys we need in at this time. 11 And then -- and then from there, it -- it'll -- we'll come in 12 and we'll set up. And basically, what we're here to do is make 13 sure that those people who are cleaning are -- are hitting the 14 areas that they need to -- to clean. They're -- they're going 15 over there and cleaning that. It's just a supervision thing. 16 It's -- we're not cleaning ourselves. We're just supervising 17 it. 18 HEARING OFFICER FONG: Okay. When you say "we", you mean, 19 like, the maintenance team? 20 THE WITNESS: Correct. Because pictures need to be taken 21 and documents need to be signed and it's kind of a long 22 process, and not one person can be in every spot at the same 23 time. 24 HEARING OFFICER FONG: Thank you so much. You're doing 25 very well, by the way. You're doing very good.</p>

<p style="text-align: right;">Page 359</p> <p>1 Talk to me -- there's been some testimony earlier about 2 like logs, like maintenance -- maintenance logs. Talk to me a 3 little bit about that. 4 THE WITNESS: Log as far as what? Like the log -- 5 HEARING OFFICER FONG: I'm sorry. Logs in terms of, like, 6 the orders. Like a maint -- there's a maintenance technician? 7 How do they document -- there's been some testimony, 8 apparently, about the maintenance technicians logging in the 9 documenting some other work by way of logs. I don't know if 10 I'm using the same -- the right term but, if not, how would 11 they document some of the work orders that they already 12 completed to your -- to a team leader or management? 13 THE WITNESS: So in CAFM, every -- all the work is logged. 14 So it's basically -- it -- it'll keep track of it, what they've 15 done and -- and what's been completed. And I can go back and 16 reference stuff that's already been completed or stuff that's 17 coming up. 18 HEARING OFFICER FONG: Okay. Besides maintenance 19 employees, does -- do anybody else such as, you know, stock 20 controller, recovery coworker, warehouse coworker, internal 21 hauler -- do any of those employees use the CAFM system? 22 THE WITNESS: So some of them do, but they have limited 23 access. They don't have all the access that the -- the 24 technicians have. 25 HEARING OFFICER FONG: Okay. And as to some of those that</p>	<p style="text-align: right;">Page 361</p> <p>1 HEARING OFFICER FONG: He's only relying on the -- but so 2 noted. Okay? So noted. I try to clean myself up a little 3 bit. But yes, be assured that the DD&E is only going to rely 4 on testimony from -- from -- from the -- Mr. Mitchell. And as 5 far as that goes, to any other witnesses where I have 6 paraphrased. 7 MS. INESTA: Okay. 8 HEARING OFFICER FONG: So be assured of that. 9 I have a few more questions, and I should be done. Okay, 10 Mr. Mitchell? 11 THE WITNESS: Okay. 12 HEARING OFFICER FONG: Do you know, there was some earlier 13 testimony -- and I may get some stipulations from the -- the 14 parties on this, but since you're already here, there's been -- 15 you know, there's like an SD warehouse side of the -- SD 16 warehouse side of the operations and a CD warehouse side of the 17 operations. Well, can you -- can you see if you know what's SD 18 and what's CD? 19 THE WITNESS: CD is customer distribution and SD is store 20 distribution. And that's the easiest way that I -- I can 21 explain it to people. 22 HEARING OFFICER FONG: Oh, I like that. That sounds good 23 to me. Okay. Customer distribution and -- what was the other 24 one; SD? 25 THE WITNESS: Store distribution.</p>
<p style="text-align: right;">Page 360</p> <p>1 do, which job classifications of the ones I mentioned do? 2 THE WITNESS: Basically everybody that -- because they can 3 only put in a service request, and then the service request -- 4 either the team leader or the manager makes it into a work 5 order and distributes it. 6 HEARING OFFICER FONG: I see. I see. That makes sense. 7 So everyone can go to CAFM and put an order, and then that's 8 the limited nature, something to that effect, and then the 9 maintenance technician will take it from there, so to speak? 10 THE WITNESS: Yeah. 11 HEARING OFFICER FONG: I mean, in a -- in a -- in a 12 rudimentary fashion. Okay? That's my point to -- as far as 13 I'm asking. Okay? 14 All right. 15 MS. INESTA: Mr. Hearing Officer? 16 HEARING OFFICER FONG: Yes. 17 MS. INESTA: I'm sorry. I'm just going to -- your 18 restatement seems to misstate his testimony. The -- 19 HEARING OFFICER FONG: Yes. Yes. 20 MS. INESTA: So if you could just -- he -- 21 HEARING OFFICER FONG: I agree. That's why I said -- I 22 said that's my testimony. Believe me, the direc -- the 23 direct -- the decision writer was -- is not going to rely on 24 stuff that I said. 25 MS. INESTA: Okay.</p>	<p style="text-align: right;">Page 362</p> <p>1 HEARING OFFICER FONG: Store distribution. And I think I 2 know what that means, but can you elaborate a little bit more 3 what store distribution means and what customer distribution 4 means? 5 THE WITNESS: So a lot of the times, the store will make an 6 order on stuff that they need and -- and we'll have a coworker 7 go pick it based on -- if it's something that they need a 8 little bit of, they'll go make a plock pick. Or if it's 9 something like they need an abundance of it, they'll go pick a 10 full pallet of it. 11 HEARING OFFICER FONG: Okay. And you're talking about 12 store distribution? 13 THE WITNESS: Correct. 14 HEARING OFFICER FONG: Okay. What about customer 15 distribution, CD? 16 THE WITNESS: So the customers -- the customer -- the 17 customer sends an order in through whatever it is, call or 18 online, and then it comes down to CD, and then they'll pick the 19 customer what they wanted and it -- and it will get sent out 20 through FedEx and sent to them. 21 HEARING OFFICER FONG: And you mean as to -- who are you 22 referring -- who are you referring to in terms of the customer? 23 You mean individual or like -- like a retail store? 24 THE WITNESS: Well, it's -- it's the individual. 25 HEARING OFFICER FONG: So if -- okay. So your facility</p>

<p style="text-align: right;">Page 363</p> <p>1 sells the -- your facility -- this -- I know IKEA does -- I've 2 seen them -- I've seen them myself. I think one time, I almost 3 did it. Like, you know, the customer can go online and -- and 4 purchase through an online order? 5 THE WITNESS: Yes. 6 HEARING OFFICER FONG: Is that what you're referring as the 7 customer distribution? 8 THE WITNESS: Correct. Yes. 9 HEARING OFFICER FONG: And it's one of the aspects if -- of 10 a direct online -- online request -- purchase by a -- by a -- 11 by a customer? 12 THE WITNESS: It's just -- 13 HEARING OFFICER FONG: Is that what you're referring to? 14 THE WITNESS: Yeah. So it's just like Amazon. You can 15 order stuff online. It will get sent -- sent -- sent to your 16 house instead of going to the store. 17 HEARING OFFICER FONG: I see. I see. So -- okay. The 18 facility -- okay. That's very helpful. I didn't talk about 19 that. Your facility handles the -- the -- the customer 20 distribution side of it? Part of that handles that aspect? Is 21 that what you testified about? 22 THE WITNESS: Yes. 23 HEARING OFFICER FONG: Okay. And then for the store 24 distribution and -- would that -- is that like a retail store 25 distribution?</p>	<p style="text-align: right;">Page 365</p> <p>1 second to that in terms of skills? 2 THE WITNESS: I mean, I've had to learn some skills. 3 I've -- I've never been a manager before. So it's something 4 I've had to learn. 5 HEARING OFFICER FONG: Was there -- was there any technical 6 background that helped you as -- would you say, was there any 7 technical help that -- background that stood -- made you stand 8 out from the -- from other people? 9 MR. HART: Mr. Hearing Officer, if can jump in. The 10 questions you're asking call for speculation. He didn't hire 11 himself. 12 HEARING OFFICER FONG: No. That, I understood. Overruled. 13 My question is what is it that you -- did you have any 14 technical background that you believe made you stand out from 15 the rest in becoming a maintenance technician? 16 THE WITNESS: I believe that I -- my work has -- has -- 17 and -- and building up to that has led me, and -- I mean, 18 everybody knows me here and they know what I've done. So 19 that's what led me to -- to being hired on as a maintenance 20 technician or a team leader. 21 HEARING OFFICER FONG: All right. I appreciate that. You 22 do seem like a very reasonable, likeable guy. So that's always 23 helpful in any job site. Thank you so much. 24 I don't have anything further for now. I'm going to turn 25 you over to Mr. Petitioner. He has some follow-up questions</p>
<p style="text-align: right;">Page 364</p> <p>1 THE WITNESS: Yes. 2 HEARING OFFICER FONG: Okay. And by the retail store, I 3 mean like an IKEA retail store? 4 THE WITNESS: Yes. 5 HEARING OFFICER FONG: Such as -- what -- what's -- 6 which -- how -- give me a few locations of IKEA retail stores 7 that your fulfillment center attends to. 8 THE WITNESS: Our closest one is Burbank, and then 9 Costa Mesa, West Covina. We go all the way up to Canada. 10 HEARING OFFICER FONG: Okay. All right. I get it. That's 11 very helpful. That hadn't -- that hadn't clicked before. I 12 get it. 13 Okay. What -- what -- what would you say was one of the 14 biggest factors that helped you get promoted from warehouse 15 from -- I mean, from the prior position -- or prior -- several 16 prior positions you had ultimately to becoming a maintenance 17 technician? 18 THE WITNESS: I think it was my hard work and -- and ter -- 19 determination. I -- I never quit. I've always felt like I 20 wanted more, and -- 21 HEARING OFFICER FONG: Okay. 22 THE WITNESS: -- it's -- 23 HEARING OFFICER FONG: Very well. 24 THE WITNESS: -- something I -- I -- 25 HEARING OFFICER FONG: What about second to -- what about</p>	<p style="text-align: right;">Page 366</p> <p>1 just to, again, clarify the record. Okay? Thanks so much. 2 THE WITNESS: Okay. 3 DIRECT EXAMINATION 4 Q BY MR. WEDEKING: Mr. Newman, you -- the Hearing Officer 5 just -- you mentioned that you had a diesel certification? 6 A Correct. 7 Q Was -- and do you think that that was a factor in your -- 8 MR. HART: Object. Mr. Hearing Officer, that's 9 speculating. He doesn't know. 10 HEARING OFFICER FONG: No. Overruled. Overruled. If 11 he -- -- if he can -- he can answer if he knows, if he 12 understands the question. 13 Can you repeat the question, Petitioner? 14 Q BY MR. WEDEKING: That diesel certification that you 15 possess, was that a factor into you being hired, do you think? 16 A I'm sure it has something to do with it. 17 Q Are there maintenance-only areas underneath the mezzanine? 18 A Yeah. I mean, if -- for safety reasons, there's -- I 19 guess there is, other people going in there. 20 Q For -- what's under there that -- 21 A I mean, there's electrical panels that's under there. 22 Q Are electrical panels mostly only maintenance? 23 A Yes. 24 Q They said that -- we had some testimony yesterday that -- 25 from some team leads that didn't know what CAFM was. Can you</p>

<p style="text-align: right;">Page 367</p> <p>1 go into a service request and what that -- what that is?</p> <p>2 A A service request is basically what it states: a service</p> <p>3 that is requested from somebody that wants something done.</p> <p>4 Q Do general warehouse coworkers make service requests?</p> <p>5 A They have. If -- if they have access to it.</p> <p>6 Q Can you -- do you -- can you think of a time where a</p> <p>7 service request came across your desk made from a general</p> <p>8 warehouse coworker?</p> <p>9 A For example, park -- some people in safety are considered</p> <p>10 general warehouse coworkers. So safety has made them before.</p> <p>11 Q What about operations? General -- a general warehouse</p> <p>12 worker in operations, have they ever made a service request to</p> <p>13 CAFM?</p> <p>14 A No. I have.</p> <p>15 Q Who's -- so who usually does make the service requests?</p> <p>16 A It would be the team leader.</p> <p>17 Q The team leader. Do you have a license to any power</p> <p>18 equipment?</p> <p>19 A Do I have a license?</p> <p>20 Q Yes. Are you licensed by IKEA to drive any power</p> <p>21 equipment?</p> <p>22 A Yes. So all of them.</p> <p>23 Q All of them. Can I ask for your -- your -- your license</p> <p>24 number, the 345 number? Do you have that on you?</p> <p>25 A Oh, I -- I don't have it on me.</p>	<p style="text-align: right;">Page 369</p> <p>1 as an IVS trainer, correct?</p> <p>2 A Correct.</p> <p>3 Q As an IVS trainer, you're in charge of deciding who gets</p> <p>4 those licenses, correct?</p> <p>5 A Correct.</p> <p>6 Q Do you -- when you were an IVS trainer, did you ever train</p> <p>7 any other employees besides general warehouse coworkers and</p> <p>8 maintenance?</p> <p>9 A Yeah, I trained everybody -- as far as like contractors</p> <p>10 or --</p> <p>11 Q No, no. Just IKEA employees. Have you ever trained a</p> <p>12 stock controller?</p> <p>13 A Yes.</p> <p>14 Q What about somebody in IT?</p> <p>15 A Yes. If they had the equipment and they needed a recert,</p> <p>16 then yeah, I trained them or --</p> <p>17 Q Pretty much every department, would you say?</p> <p>18 A Yes.</p> <p>19 Q Have the -- have you ever seen a general warehouse</p> <p>20 coworker provide maintenance with any technical help: turning</p> <p>21 wrenches, troubleshooting, electrical, anything like that?</p> <p>22 A No. The -- the only -- off the top of my head, the only</p> <p>23 one I can think of is a gentleman, Jose -- I forgot his last</p> <p>24 name -- in CDC. He came over to cross-train for a little</p> <p>25 while. That's the only thing I can think of.</p>
<p style="text-align: right;">Page 368</p> <p>1 Q Do you know it by heart?</p> <p>2 MR. HART: How is this relevant, Mr. Hearing Officer?</p> <p>3 MR. WEDEKING: Because -- because the document provided by</p> <p>4 HR has a list of all of the licensed employees, and none of the</p> <p>5 team leads are on it. And I --</p> <p>6 HEARING OFFICER FONG: Yeah.</p> <p>7 MR. HART: Not supervisors.</p> <p>8 MR. WEDEKING: I know, but to --</p> <p>9 HEARING OFFICER FONG: So you can ask him --</p> <p>10 Mr. Petitioner, you can ask him not specifically about his</p> <p>11 license number or anybody else's license number, but you can</p> <p>12 ask him if he knows what the -- what the -- the last three</p> <p>13 digits of a license number mean. Whether he's a team lead or a</p> <p>14 supervisor -- a team lead or an actual maintenance technician,</p> <p>15 he can answer that, if he knows.</p> <p>16 I'll ask you. Do you know -- do you know if the license</p> <p>17 number has three digits? Do you know about that,</p> <p>18 Mr. Petitioner -- Mitchell?</p> <p>19 THE WITNESS: It -- it does. So it has a 345, which is a</p> <p>20 score number. And then the last -- the last three or four</p> <p>21 numbers that it has on there is the -- the number in which you</p> <p>22 were trained.</p> <p>23 HEARING OFFICER FONG: Okay. Go on now. Go on,</p> <p>24 Mr. Petitioner, if you want to follow up from that.</p> <p>25 Q BY MR. WEDEKING: So you were -- you had a prior position</p>	<p style="text-align: right;">Page 370</p> <p>1 Q You've been in maintenance for four years, but you've been</p> <p>2 at IKEA for longer, correct?</p> <p>3 A Yes.</p> <p>4 Q Can you testify to Gabriel Atkinson? Do you know if he's</p> <p>5 ever been in any other department besides facilities?</p> <p>6 MR. WEDEKING: Oh, I got a bad --</p> <p>7 HEARING OFFICER FONG: I'm sorry. That was on my call.</p> <p>8 I'm sorry. Go -- go ahead.</p> <p>9 Q BY MR. WEDEKING: Has Gabriel ever been under any</p> <p>10 department besides maintenance?</p> <p>11 A He's been in waste sorting.</p> <p>12 Q Facilities. Has he ever worked in any of the other</p> <p>13 departments besides facilities?</p> <p>14 A No.</p> <p>15 Q Okay. Tell me about the uniforms that -- that we wear;</p> <p>16 the difference between the waste sorters, the cleaners, and</p> <p>17 a -- maintenance technicians.</p> <p>18 A They're -- they're IKEA. The technicians, they are FRs,</p> <p>19 or fire retardant. So if there's -- for whatever reason, if</p> <p>20 they need to go inside an electrical panel, it -- it's there to</p> <p>21 save them, help them out.</p> <p>22 THE COURT REPORTER: I'm sorry. Excuse me. My call</p> <p>23 dropped. I need to call back in, Mr. Hearing Officer.</p> <p>24 HEARING OFFICER FONG: Yeah. Let's --</p> <p>25 Hold on for a second, okay, Mr. Mitchell and</p>

<p style="text-align: right;">Page 371</p> <p>1 Mr. Petitioner. Same thing happened --</p> <p>2 MR. WEDEKING: Very well.</p> <p>3 HEARING OFFICER FONG: -- to the court reporter that</p> <p>4 happened to me.</p> <p>5 Mr. Mitchell, how far do you live from the facility?</p> <p>6 THE WITNESS: I'm about 30 minutes away.</p> <p>7 HEARING OFFICER FONG: And Michael, you're about 40 minutes</p> <p>8 away?</p> <p>9 MR. WEDEKING: Yeah. Mitchell's got a fast commute</p> <p>10 compared to most people.</p> <p>11 HEARING OFFICER FONG: That's nice.</p> <p>12 THE WITNESS: That's why I bought a house on that side of</p> <p>13 town.</p> <p>14 HEARING OFFICER FONG: There you go.</p> <p>15 I noticed that -- we're off the -- I'm sorry. Let's --</p> <p>16 because we're still on the record. I just --</p> <p>17 Mitchell, how long has the distribution center been open</p> <p>18 there? Do you know?</p> <p>19 THE WITNESS: They started building in '99, and it opened,</p> <p>20 I think, in 2000, 2001.</p> <p>21 HEARING OFFICER FONG: Ah. Okay.</p> <p>22 THE COURT REPORTER: Okay. Sorry about that.</p> <p>23 HEARING OFFICER FONG: Okay. We're back to the uniform</p> <p>24 question.</p> <p>25 So if you want to ask your last question, Mr. Petitioner.</p>	<p style="text-align: right;">Page 373</p> <p>1 MR. WEDEKING: Yes.</p> <p>2 HEARING OFFICER FONG: Can you go back to -- the uniforms,</p> <p>3 I think we were at.</p> <p>4 RESUMED DIRECT EXAMINATION</p> <p>5 Q BY MR. WEDEKING: Well, is maintenance allowed to wear</p> <p>6 shorts to work, maintenance technicians?</p> <p>7 A No.</p> <p>8 Q Do we -- do the maintenance technicians -- are they</p> <p>9 required to wear any -- are they required to have any other PTE</p> <p>10 or uniforms that the general warehouse coworkers do not?</p> <p>11 A I mean, yeah, they need to have EH-rated boots.</p> <p>12 Q EH, what is that?</p> <p>13 A Electrical hazard.</p> <p>14 Q Very well. How many -- how many keys does a maintenance</p> <p>15 technician -- or a maintenance team lead -- do you have a lot</p> <p>16 of keys issued to you by IKEA?</p> <p>17 A Yes.</p> <p>18 Q More than -- more than a maintenance technician?</p> <p>19 A Yes.</p> <p>20 Q And a maintenance technician has a lot?</p> <p>21 A Um-hum.</p> <p>22 MR. WEDEKING: I think -- I think I might be done,</p> <p>23 Mr. Hearing Officer. Give me one second.</p> <p>24 HEARING OFFICER FONG: That's okay. Take your time.</p> <p>25 Q BY MR. WEDEKING: There was some testimony about -- from a</p>
<p style="text-align: right;">Page 372</p> <p>1 MS. INESTA: Mr. Hearing Officer, I just have belated --</p> <p>2 HEARING OFFICER FONG: Yes.</p> <p>3 MS. INESTA: I have an objection that Mr. Wedeking kind --</p> <p>4 I mean, Mr. Wedeking goes pretty quickly during his</p> <p>5 questioning. But with respect to Gabriel Atkinson, I do want</p> <p>6 to pose an objection that it called for speculation to the</p> <p>7 extent -- beyond the witness' knowledge as to Mr. Atkinson's</p> <p>8 job classification during the time period he was there.</p> <p>9 MR. WEDEKING: Mr. -- Mr. Hearing Officer, I wasn't asking</p> <p>10 about his job classification. I was just asking where he --</p> <p>11 what department he worked in.</p> <p>12 MS. INESTA: And to the extent --</p> <p>13 HEARING OFFICER FONG: Okay.</p> <p>14 MS. INESTA: Yeah. To the extent that's tied to the job</p> <p>15 classification issue, that's -- that's all I want my objection</p> <p>16 to be on the record for.</p> <p>17 HEARING OFFICER FONG: That's fine. Thank you. So noted.</p> <p>18 You got your answer, Mr. Petitioner, and I think it will</p> <p>19 be -- it will be all tied into, like, the prior testimony. So</p> <p>20 that -- that's fine. It's noted. But the objection is noted.</p> <p>21 But it's in the record, what he said. And it will be -- if</p> <p>22 it's not properly found -- found with proper foundation, we'll</p> <p>23 tie it up. The -- the decision writer will try to tie it up as</p> <p>24 best he can with what was previously said and make -- make the</p> <p>25 best of it for that secondary issue coming out. Okay?</p>	<p style="text-align: right;">Page 374</p> <p>1 team lead that -- when a general warehouse coworker is seen</p> <p>2 helping inside the conveyor -- inside of the conveyor system</p> <p>3 with a tipped pallet. How often does that happen?</p> <p>4 A I don't think it happens that often. I -- I think mostly,</p> <p>5 we double up with -- with technicians when that does happen.</p> <p>6 But it's -- it's been the case before where a coworker has been</p> <p>7 asked to help out.</p> <p>8 MR. WEDEKING: I think I'm done. I think I'm done,</p> <p>9 Mr. Hearing Officer. I am done, Mr. --</p> <p>10 HEARING OFFICER FONG: Thank you. Thank you,</p> <p>11 Mr. Petitioner.</p> <p>12 I just have a few follow-up questions based on</p> <p>13 Mr. Petitioner's testi -- or questions of you and your</p> <p>14 testimony, Mitchell.</p> <p>15 Approximately how many keys are issued to a maintenance</p> <p>16 technician?</p> <p>17 THE WITNESS: Probably 10 to 15 keys, maybe.</p> <p>18 HEARING OFFICER FONG: And why -- are these keys -- these</p> <p>19 keys belong to what areas?</p> <p>20 THE WITNESS: Electrical panels, pump house. There's</p> <p>21 random things.</p> <p>22 HEARING OFFICER FONG: What else? What else? Give me some</p> <p>23 more.</p> <p>24 THE WITNESS: Lockout/tagout locks.</p> <p>25 HEARING OFFICER FONG: What else? Give me three more.</p>

<p style="text-align: right;">Page 375</p> <p>1 THE WITNESS: Shoot. There's ramp doors, there's random --</p> <p>2 I don't know. There's -- there's a lot of keys. I do know</p> <p>3 that.</p> <p>4 HEARING OFFICER FONG: And you know -- what was that -- the</p> <p>5 last thing you said?</p> <p>6 THE WITNESS: The big fans we have, there's a cover over</p> <p>7 it. So that -- that has a lock.</p> <p>8 HEARING OFFICER FONG: Okay. Is anyone else -- is there --</p> <p>9 as to stock controller, recovery coworker, internal hauler,</p> <p>10 general warehouse -- not cleaners, okay, just general</p> <p>11 warehouse, stock controller, recovery coworker, and internal</p> <p>12 hauler -- do any of those job classifications have like -- are</p> <p>13 given keys for -- to anything?</p> <p>14 THE WITNESS: They're -- they're --</p> <p>15 MS. INESTA: Objection to the extent it calls for</p> <p>16 speculation. Lacks foundation.</p> <p>17 HEARING OFFICER FONG: Do you know if -- do you know if --</p> <p>18 let's say stock controller, do you know if they're given any</p> <p>19 keys for -- in a particular area?</p> <p>20 THE WITNESS: I don't know that, no.</p> <p>21 HEARING OFFICER FONG: Okay. Do you know if the recovery</p> <p>22 coworker is given any keys to any particular area?</p> <p>23 THE WITNESS: I don't know that one either.</p> <p>24 HEARING OFFICER FONG: All right. You don't know -- the</p> <p>25 same -- same answer for keys to internal hauler or --</p>	<p style="text-align: right;">Page 377</p> <p>1 THE WITNESS: Take care.</p> <p>2 HEARING OFFICER FONG: Okay. You know, before we go on to</p> <p>3 our next witness, I do want to -- for some rebuttal, I do want</p> <p>4 to -- Mr. Petitioner, I want to ask you a few questions</p> <p>5 about -- about that chart, the former -- previously labeled</p> <p>6 Petitioner's 3. Everyone got that email. Now that we have</p> <p>7 the -- there shouldn't be any authenticity issues on -- on that</p> <p>8 because we have the -- introduced Petitioner's 3 as the actual</p> <p>9 chart. We can make --</p> <p>10 Can you -- can everyone have that chart in front of them?</p> <p>11 I'm going to have to ask you some questions. And I think we</p> <p>12 can do that as the Board exhibit next in order.</p> <p>13 Madam Court Reporter, is it 14, Board Exhibit 14, next in</p> <p>14 order?</p> <p>15 THE COURT REPORTER: Board -- the next one is 12. We did</p> <p>16 11 --</p> <p>17 HEARING OFFICER FONG: Oops. Okay.</p> <p>18 THE COURT REPORTER: -- through -- last night.</p> <p>19 HEARING OFFICER FONG: Thank you.</p> <p>20 Board 12. Okay. Pre-marked as Board 12. Do you have that</p> <p>21 in front of you, Mr. Petitioner?</p> <p>22 MR. WEDEKING: The layout?</p> <p>23 HEARING OFFICER FONG: Take your time.</p> <p>24 Employer's Counsel, do you have that in front of you?</p> <p>25 MR. HART: I'm working on it.</p>
<p style="text-align: right;">Page 376</p> <p>1 THE WITNESS: They do --</p> <p>2 HEARING OFFICER FONG: Do you know?</p> <p>3 THE WITNESS: I do know that they do have, like, a</p> <p>4 perimeter key so they can go in and out of the gate, or to get</p> <p>5 to --</p> <p>6 HEARING OFFICER FONG: I see. That makes sense. All</p> <p>7 right.</p> <p>8 What about the cleaner? Do you know if he -- they're given</p> <p>9 any particular keys?</p> <p>10 THE WITNESS: I think the only thing the cleaner is given</p> <p>11 is -- is the -- the door, so they can go in and out of the</p> <p>12 door.</p> <p>13 HEARING OFFICER FONG: Okay. That makes sense.</p> <p>14 All right. I don't have anything further, Mr. Mitchell.</p> <p>15 Anything further based on my questions, Mr. Petitioner?</p> <p>16 MR. WEDEKING: No, Mr. Hearing Officer.</p> <p>17 HEARING OFFICER FONG: Okay. Mitchell, thanks so much for</p> <p>18 your cooperation. We really appreciate it. You have a nice</p> <p>19 rest of your day, and have a good weekend.</p> <p>20 THE WITNESS: Thank you. You, too.</p> <p>21 MR. WEDEKING: Thanks, Mitch.</p> <p>22 HEARING OFFICER FONG: All right. Thank you.</p> <p>23 MS. INESTA: Thank you.</p> <p>24 THE WITNESS: Thank you.</p> <p>25 MR. HART: Thank you.</p>	<p style="text-align: right;">Page 378</p> <p>1 HEARING OFFICER FONG: Let me know. Let me know. Just nod</p> <p>2 when you got it there. Okay?</p> <p>3 MR. WEDEKING: This is the layout of the warehouse?</p> <p>4 HEARING OFFICER FONG: Yeah. Maintenance-only areas. And</p> <p>5 you had -- you had some purples --</p> <p>6 MR. WEDEKING: Yes. I --</p> <p>7 HEARING OFFICER FONG: -- around it.</p> <p>8 Madam Court Reporter, do you have -- let me know once</p> <p>9 you've been able to locate that, because we can pre-mark it as</p> <p>10 Board Exhibit 12.</p> <p>11 THE COURT REPORTER: This was previous Petitioner's 3?</p> <p>12 HEARING OFFICER FONG: Yes. Yes. Previous Petitioner 3.</p> <p>13 The chart that has the color -- like, the purple highlights</p> <p>14 around it.</p> <p>15 THE COURT REPORTER: Correct. And at the bottom, it says,</p> <p>16 "IKEA Distribution Terminal" with an --</p> <p>17 HEARING OFFICER FONG: Yes.</p> <p>18 THE COURT REPORTER: -- address? I have it up on my --</p> <p>19 HEARING OFFICER FONG: And there's a handwritten --</p> <p>20 THE COURT REPORTER: -- screen.</p> <p>21 HEARING OFFICER FONG: -- right above -- good. Good.</p> <p>22 Right above the IKEA logo, there's, like, handwritten</p> <p>23 maintenance-only areas. Okay?</p> <p>24 Everybody have -- everybody there?</p> <p>25 MR. WEDEKING: Yes.</p>

<p style="text-align: right;">Page 379</p> <p>1 MR. HART: Yeah.</p> <p>2 HEARING OFFICER FONG: All right. Again, I'm recalling</p> <p>3 Petitioner -- the Hearing Officer is recalling Petitioner for</p> <p>4 some clarification upon the earlier testimony.</p> <p>5 I'm showing you a document that has been introduced as --</p> <p>6 premarked as Board Number 12. Do you recognize this document,</p> <p>7 and if so, what is it again, Mr. Petitioner?</p> <p>8 THE WITNESS: This is a -- an overview from the top of the</p> <p>9 warehouse. And the highlighted area is maintenance-only areas</p> <p>10 or res -- restricted areas for authorized personnel only. They</p> <p>11 could be labeled either way, so.</p> <p>12 HEARING OFFICER FONG: Okay. Okay. And there was previous</p> <p>13 testimony that between 4 and 1, that this -- is that -- what is</p> <p>14 it -- what is it called again, that purple area between</p> <p>15 buildings 4 and 1?</p> <p>16 THE WITNESS: Those -- so building -- building -- between 4</p> <p>17 and 1, that is the maintenance shop that -- in the BEHAVIORS</p> <p>18 area, which is -- it's the BHS -- like Mitchell's testified,</p> <p>19 it's the battery handling station. All it does is it services</p> <p>20 the battery. All the power equipment is ran by big, giant</p> <p>21 batteries. And -- and so the maintenance shop and the battery</p> <p>22 maintenance part is -- is all right there, as well as the power</p> <p>23 equipment stuff is all right there.</p> <p>24 HEARING OFFICER FONG: Okay. And that's a maintenance-only</p> <p>25 area?</p>	<p style="text-align: right;">Page 381</p> <p>1 HEARING OFFICER FONG: -- yeah, the --</p> <p>2 THE WITNESS: -- sides -- the sides of the buildings 5</p> <p>3 and -- and 2 are the conveyor systems that -- that feed the</p> <p>4 stacker cranes with the -- with the pallets.</p> <p>5 HEARING OFFICER FONG: And what is the maintenance -- what</p> <p>6 is the maintenance responsibility as to the conveyor belts?</p> <p>7 THE WITNESS: Maintenance responsibility is -- is to make</p> <p>8 sure it's maintained and -- and it's -- and it's in service.</p> <p>9 It -- there -- it will break down -- there will be some calls a</p> <p>10 couple times a shift for each one. If you're -- if you're</p> <p>11 lucky, you get a whole shift without it. But -- but the</p> <p>12 whole -- that whole area is restricted to maintenance personnel</p> <p>13 only, and there's -- there's signage that -- that says so.</p> <p>14 And --</p> <p>15 HEARING OFFICER FONG: Oh, I see. Okay. Okay. Okay. So</p> <p>16 that's maintenance restricted only. There's no general --</p> <p>17 there's no general warehousemen that work in that purple area,</p> <p>18 like addressing the product?</p> <p>19 THE WITNESS: No, none.</p> <p>20 HEARING OFFICER FONG: Okay. That was for 5 and 2?</p> <p>21 THE WITNESS: 5 and 2, yes.</p> <p>22 HEARING OFFICER FONG: Okay. And what all -- tell me again</p> <p>23 about the middle of 6. What area is that again?</p> <p>24 THE WITNESS: Well, the middle of -- of 6 is the ASRS, the</p> <p>25 automated storage and retrieval system, that Nahin and -- and</p>
<p style="text-align: right;">Page 380</p> <p>1 THE WITNESS: Yes.</p> <p>2 HEARING OFFICER FONG: Okay. Building 5, I see that you</p> <p>3 highlighted, like, the perimeter. Not the bottom, not the --</p> <p>4 not the south side, but there's three highlighted areas. What</p> <p>5 do they refer to?</p> <p>6 THE WITNESS: So building 3 -- or building 5, just like</p> <p>7 building 2, are -- are both silo buildings. They have these</p> <p>8 stacker cranes. And the product comes in the back of the</p> <p>9 warehouse and comes in, and from the back of the warehouse,</p> <p>10 they load it on the conveyors, which is on each side of</p> <p>11 buildings 2 and 5, and then the --</p> <p>12 HEARING OFFICER FONG: Uh-huh.</p> <p>13 THE WITNESS: -- the conveyor system will then convey the</p> <p>14 pallet product all the way to the front of the building, and</p> <p>15 then it goes up on a lift, and then another conveyor takes it</p> <p>16 from -- from the corner of the building, anywhere into the</p> <p>17 middle -- and if you look into the buildings, you can see that</p> <p>18 there's aisles -- and it will drop the pallets off in each</p> <p>19 individual ilo -- aisle where the stacker crane can grit -- get</p> <p>20 it.</p> <p>21 HEARING OFFICER FONG: And what -- okay. And what was your</p> <p>22 purpose for highlighting, let's say, building 5? What was your</p> <p>23 purpose for highlighting the side -- the side part -- the side</p> <p>24 building marks, the --</p> <p>25 THE WITNESS: So sort of the --</p>	<p style="text-align: right;">Page 382</p> <p>1 Mitchell kind of alluded to. The team lead Rey, that's his</p> <p>2 building, and -- and he referred to that, too. So it's just a</p> <p>3 big, giant -- another automated way of storing product.</p> <p>4 Makes -- makes everything more efficient.</p> <p>5 HEARING OFFICER FONG: And 6, that purple -- in the purple</p> <p>6 middle highlighted area of 6, that's a maintenance-only area</p> <p>7 was your testimony?</p> <p>8 THE WITNESS: Yes.</p> <p>9 HEARING OFFICER FONG: Okay. Now -- now, there's also on</p> <p>10 6 -- let's stay on 6 -- you did some purple highlights, like,</p> <p>11 right above it and below it, like, on the perimeter. What are</p> <p>12 those again?</p> <p>13 THE WITNESS: Those are electrical panels. Electrical</p> <p>14 panels.</p> <p>15 HEARING OFFICER FONG: And they're restricted to the</p> <p>16 maintenance-only area, right?</p> <p>17 THE WITNESS: Correct.</p> <p>18 HEARING OFFICER FONG: Is that this -- is that the -- does</p> <p>19 that apply as well to the -- that little purple area in</p> <p>20 building 4?</p> <p>21 THE WITNESS: Yes. As well --</p> <p>22 HEARING OFFICER FONG: And building --</p> <p>23 THE WITNESS: -- 1 and 3, yeah. --</p> <p>24 HEARING OFFICER FONG: -- as well as -- go ahead.</p> <p>25 THE WITNESS: Well, it has --</p>

<p style="text-align: right;">Page 383</p> <p>1 HEARING OFFICER FONG: Oh, those --</p> <p>2 THE WITNESS: Building 1 and 3, yes. Yes.</p> <p>3 HEARING OFFICER FONG: 1, 3. What about -- what about</p> <p>4 big -- that south of 2, the purple area there, 2?</p> <p>5 THE WITNESS: South of building 2. Yes, that too.</p> <p>6 HEARING OFFICER FONG: Maintenance -- okay. Electrical</p> <p>7 panel maintenance area. Okay.</p> <p>8 What about on top of the building -- building 1, there's</p> <p>9 like an R or something with an R?</p> <p>10 THE WITNESS: Yes.</p> <p>11 HEARING OFFICER FONG: And there's an equivalent to number</p> <p>12 4 as well, there's, like, two L -- like, L brackets. What are</p> <p>13 those?</p> <p>14 THE WITNESS: So those -- in between that area is the</p> <p>15 mezzanine. And underneath the mezzanine is more electrical</p> <p>16 panels.</p> <p>17 HEARING OFFICER FONG: I see. Okay. So those -- those --</p> <p>18 like the half T, like a broken-down half T on the right, the</p> <p>19 other half T on the left right below IKEA --</p> <p>20 THE WITNESS: Yes.</p> <p>21 HEARING OFFICER FONG: -- those are the -- again,</p> <p>22 electrical --</p> <p>23 THE WITNESS: More --</p> <p>24 HEARING OFFICER FONG: -- panels?</p> <p>25 THE WITNESS: More -- more maintenance now.</p>	<p style="text-align: right;">Page 385</p> <p>1 ask -- I had discussed -- an earlier off-the-record discussion</p> <p>2 that I wanted to get some testimony on that from you. Subject</p> <p>3 to that, I will make a ruling whether that will be introduced</p> <p>4 as the next -- Board exhibit next in order. Okay?</p> <p>5 THE WITNESS: Okay.</p> <p>6 HEARING OFFICER FONG: Let's go ahead and let's -- let's</p> <p>7 go ahead and -- and retrieve those -- those two pictures. I'm</p> <p>8 going to ask you of the pictures one at a time, okay?</p> <p>9 THE WITNESS: Okay.</p> <p>10 HEARING OFFICER FONG: One second here. Let me just pull</p> <p>11 them up. Okay. Let me put them side-by-side. One second.</p> <p>12 Okay. Okay. I'm not going to mark them yet, but one of the</p> <p>13 pictures says, you know, "Maintenance Area 1". Do you have</p> <p>14 that in front of you, Mr. Petitioner?</p> <p>15 THE WITNESS: I have a picture of maintenance area --</p> <p>16 HEARING OFFICER FONG: Yeah, that's the -- that's the --</p> <p>17 the closer out, the close-up picture.</p> <p>18 THE WITNESS: The one that has -- by the computers?</p> <p>19 HEARING OFFICER FONG: Yeah. Yeah. It has, like, a</p> <p>20 little -- yeah. Yeah. It has -- appears to be like a desk,</p> <p>21 like a light brown desk and a bunch of, like, drawers.</p> <p>22 THE WITNESS: Yes.</p> <p>23 HEARING OFFICER FONG: That one says, "Maintenance Area 1,</p> <p>24 JP-1". Okay. Can you -- can you tell me what that is?</p> <p>25 THE WITNESS: Sure. That is a -- if you look right in the</p>
<p style="text-align: right;">Page 384</p> <p>1 HEARING OFFICER FONG: Okay.</p> <p>2 THE WITNESS: Electrical, yes.</p> <p>3 HEARING OFFICER FONG: Like, going on 6 -- outside of 6,</p> <p>4 there's, like, you know, again two markings. What are those?</p> <p>5 I mean -- yeah.</p> <p>6 THE WITNESS: Like right --</p> <p>7 HEARING OFFICER FONG: Right above site plan, the little</p> <p>8 thing says, "Site plan", there's two -- purple there. What are</p> <p>9 those?</p> <p>10 THE WITNESS: So the -- the one in the very far corner of</p> <p>11 building 6 and the one, like, adjacent to it, those are also</p> <p>12 more electrical panels. The -- the --</p> <p>13 HEARING OFFICER FONG: I see. And then the -- my last --</p> <p>14 my last question on this, 4, like outside of 4, there's a</p> <p>15 thicker purple. What is that?</p> <p>16 THE WITNESS: I believe you're referring to the hazardous</p> <p>17 material storage building, or you could be referring to --</p> <p>18 HEARING OFFICER FONG: Okay.</p> <p>19 THE WITNESS: The pump house is right above the site plan.</p> <p>20 HEARING OFFICER FONG: Okay. And there was previous</p> <p>21 testimony that the hazardous material is a maintenance-only?</p> <p>22 THE WITNESS: Correct.</p> <p>23 HEARING OFFICER FONG: All right. Let me go ahead and ask</p> <p>24 you a few questions about -- there was an early -- two pictures</p> <p>25 provided by -- by Employer -- Employer's counsel, and let me</p>	<p style="text-align: right;">Page 386</p> <p>1 middle of the picture, that is where we keep the blueprints and</p> <p>2 plans for the building, the fire system, the electrical, the</p> <p>3 plumbing, all the -- all the schematics and -- and -- and</p> <p>4 plans, basically, from engineers that build the stuff. That's</p> <p>5 where we keep them and it's organized by the building number</p> <p>6 and/or what the contents of the plans are. And to the right --</p> <p>7 HEARING OFFICER FONG: Okay. I will -- I will -- I will</p> <p>8 pre-mark this as -- tentatively as Board Exhibit 13 just for</p> <p>9 purposes of my questioning, okay?</p> <p>10 (Board Exhibit Number 13 Marked for Identification)</p> <p>11 THE WITNESS: Okay.</p> <p>12 HEARING OFFICER FONG: And then another -- let me -- let</p> <p>13 me ask you, is there a way that you can put both pictures on</p> <p>14 your -- on your screen, Mr. Petitioner for the ease of access?</p> <p>15 If you minimize it, I think that would help. See if you could</p> <p>16 minimize it, and perhaps you might be able to put them next to</p> <p>17 each other. Because I think it will help. Let me know if you</p> <p>18 can do that, otherwise, I'll direct my questions -- I'll break</p> <p>19 down my questions.</p> <p>20 THE WITNESS: Okay, go ahead. Okay, go ahead.</p> <p>21 HEARING OFFICER FONG: Do you have them both in front</p> <p>22 of -- you have them both in front of you?</p> <p>23 MR. WEDEKING: I'm having trouble getting them on the same</p> <p>24 tab, but -- but it's just one click from one to the other.</p> <p>25 HEARING OFFICER FONG: All right. The -- the -- then --</p>

<p style="text-align: right;">Page 387</p> <p>1 okay. So Board Exhibit 13 will be the one you just talked 2 about, right, the desk. But what's being pre-marked as Board 3 Exhibit 14 is going to be a -- it's like a -- the picture of 4 like a larger area. 5 (Board Exhibit Number 14 Marked for Identification) 6 HEARING OFFICER FONG: Can you explain to me what that is? 7 THE WITNESS: Sure. So that -- 8 HEARING OFFICER FONG: On 14. 9 THE WITNESS: If you look to the -- the -- so that is the 10 maintenance shop. The white building is the maintenance office 11 where the team leads and maintenance have their desks. Right 12 through there -- 13 HEARING OFFICER FONG: Okay. 14 THE WITNESS: -- that little red area next to it, that's a 15 drawer of parts, and then if you keep going down past -- 16 HEARING OFFICER FONG: The yellow where that -- I'm sorry, 17 slow down a little bit. I'm sorry. You mean like the -- it's, 18 like, right next to it? It's propped up and then there's like 19 a yellow? 20 THE WITNESS: Yeah, so that yellow is -- it's just to keep 21 any, like, sparks or flashes from welding or anything like that 22 from going outside. But if you see the yellow that goes all 23 the way down, that -- that is all -- 24 HEARING OFFICER FONG: That's right. 25 THE WITNESS: -- that's all part of the maintenance shop.</p>	<p style="text-align: right;">Page 389</p> <p>1 second picture? You said it's inside? 2 THE WITNESS: Yeah. So if you were to take a -- if you 3 were walking to that white building and you took a left, you 4 would be facing -- 5 HEARING OFFICER FONG: Uh-huh. 6 THE WITNESS: You would be -- you'd be looking at this 7 picture. 8 HEARING OFFICER FONG: I see. So -- so the -- this 9 picture 1, with the little gray desk, it's inside the yellow, 10 the property -- you know, the door that sliding to the right, 11 the yellow, you're talking about inside that area? 12 THE WITNESS: Yes, correct. 13 HEARING OFFICER FONG: Okay. I see. I see. I see. 14 Okay. Where -- where -- where in the -- what building is 15 this -- is this at, we're talking about? 16 THE WITNESS: So this is in building one, but it goes 17 right up to the edge of four, so that big area right in the 18 middle that I highlighted in between one and four, that is the 19 maintenance shop and office. 20 HEARING OFFICER FONG: Okay. I see. I see. Okay. Do 21 you -- you had a -- you had shared some off-the-record disc -- 22 concerns -- excuse me, actually, before I go there, looking 23 at -- okay. What -- tell me a little bit more for the picture 24 number 1, I'm glad to -- I plan to introduce them. That's why 25 I'm asking all these questions, subject --</p>
<p style="text-align: right;">Page 388</p> <p>1 HEARING OFFICER FONG: Okay. 2 THE WITNESS: Not -- not to the door, but -- but we're 3 almost to it. 4 HEARING OFFICER FONG: Okay. All right. And then 5 that's -- that's -- you -- but you know, I see the -- the -- 6 the -- right next to white building office you talked about, 7 the door is like right up to its side, you can go in there? 8 THE WITNESS: Yes. 9 HEARING OFFICER FONG: As a maintenance person? 10 THE WITNESS: Yes. 11 HEARING OFFICER FONG: And it's -- you said is that -- is 12 that restricted to maintenance? 13 THE WITNESS: Yes, and if you look right above the 14 building, you can see the sign -- there's a signage there 15 that -- that states so. 16 HEARING OFFICER FONG: Okay. Yeah, and for the record, 17 that sign says -- I'm -- I'm highlighting it. Oops. Let me 18 expand on that. It says, "Restricted area. Maintenance" 19 profession -- "personnel only." Okay. Hold on a second. It's 20 giving me some trouble. Hold on. Okay. Okay. Referring 21 to -- referring back to the chart -- you probably know this off 22 the top of your head. Where -- what building is -- I'm sorry, 23 you said that -- that the -- the Board Exhibit 13, like the 24 desk was -- with the items and all that, where is that in 25 loca -- in relevance -- in relation to Board Exhibit 14, the</p>	<p style="text-align: right;">Page 390</p> <p>1 THE WITNESS: So -- 2 HEARING OFFICER FONG: -- to your objections and 3 additional testimony on them. What do you do -- what do you do 4 in that little area there? 5 THE WITNESS: So -- so in this area, you could see the 6 vice. We have a shop table there that -- that we will take 7 components on and work on them if we have to. That -- behind 8 it, the desk with the computers, that's the workstations where 9 we do our CAFM. There's also a third one that you can't quite 10 see. But I would like to point your -- your attention to the 11 hardhats on top of -- of the little -- little -- 12 HEARING OFFICER FONG: Yeah, I see them. I see them. 13 THE WITNESS: Those are maintenance-only issued, and that 14 is something that I wish -- I thought I should have brought up, 15 but those are only for the ASRS and they're only issued to 16 maintenance because maintenance is the only -- 17 HEARING OFFICER FONG: Are you -- when do you wear those? 18 Do you wear -- when are you required to wear those? 19 THE WITNESS: When you go inside the ASRS in building 6. 20 HEARING OFFICER FONG: Okay. Okay. Okay. Okay. All 21 right. What about -- okay. What about number 2, anything 22 additional you want to add? Like, when you go to the back, 23 what's in the -- like far right? You know, you see the office, 24 the yellow, and there's more yellow way towards the back. 25 What's in the back where the yellow ends to the right of the</p>

<p style="text-align: right;">Page 391</p> <p>1 picture?</p> <p>2 THE WITNESS: So -- so if you keep going past -- if you</p> <p>3 can see -- it's kind of hard to tell, but there is a rack</p> <p>4 going -- kind of facing the -- the person that took the</p> <p>5 picture. It -- it runs -- it intersects with the rack on the</p> <p>6 side. So that is -- behind that is the power equipment</p> <p>7 technician. And there's access between the power equipment.</p> <p>8 He has his own shop for working on the equipment, and that's --</p> <p>9 goes all the way back there, so it's all power equipment shop.</p> <p>10 He's got a lift there.</p> <p>11 Then to the right, across the aisle from the yellow -- the</p> <p>12 yellow paper, or what have you --</p> <p>13 HEARING OFFICER FONG: Um-hum.</p> <p>14 THE WITNESS: -- this area where we maintain the</p> <p>15 batteries, we take them in and out of the equipment.</p> <p>16 HEARING OFFICER FONG: Okay. Okay.</p> <p>17 THE WITNESS: If you look at the -- the white -- the</p> <p>18 maintenance office there, the building, you see the number 18?</p> <p>19 HEARING OFFICER FONG: Yes. Yes.</p> <p>20 THE WITNESS: So if you look -- if you look below it, you</p> <p>21 can see that piece of power equipment and the battery is</p> <p>22 visible right there, and that's -- there -- there -- that's</p> <p>23 what we serviced over there, the power source of the equipment.</p> <p>24 HEARING OFFICER FONG: Okay. Hold on a second. I'm</p> <p>25 clicking this thing and it tells me -- I'm trying to expand it</p>	<p style="text-align: right;">Page 393</p> <p>1 of the facilities. What else did you want to add?</p> <p>2 THE WITNESS: That this is -- this is a highlighted area</p> <p>3 in the -- the exhibit that shows the maintenance-only areas.</p> <p>4 And for each one of those purple-shaded areas, there's a</p> <p>5 picture somewhere for those areas.</p> <p>6 HEARING OFFICER FONG: Uh-huh.</p> <p>7 THE WITNESS: This is just one of the shaded areas in</p> <p>8 that -- that picture, and then during that -- that overview</p> <p>9 that I highlighted there. Each one of those has a maintenance-</p> <p>10 only area, or restricted-personnel-only area for those</p> <p>11 locations as well.</p> <p>12 HEARING OFFICER FONG: Okay.</p> <p>13 THE WITNESS: It's only reflected for --</p> <p>14 HEARING OFFICER FONG: Yeah, that -- okay. No. No, that</p> <p>15 was -- so you know, that's clear on the record. It's clear</p> <p>16 that there's a lot of maintenance restricted only throughout</p> <p>17 the facility. So -- so this doesn't -- this doesn't mean that</p> <p>18 this only -- these are the only areas. This supplement, in my</p> <p>19 view, what you've been saying. Okay.</p> <p>20 MR. WEDEKING: Okay. Fair enough.</p> <p>21 HEARING OFFICER FONG: Do you have any objection to</p> <p>22 introduction -- if you -- to the Board 12 and -- 13 and 14?</p> <p>23 MR. WEDEKING: No.</p> <p>24 HEARING OFFICER FONG: You -- you -- you could still --</p> <p>25 okay. No. Fine. Those are introduced, Board 14. I would</p>
<p style="text-align: right;">Page 392</p> <p>1 and it's telling me new album music, but I don't think this</p> <p>2 attachment has any music to it. I see. Okay. All right.</p> <p>3 You had -- you had mentioned in off-the-record discussion</p> <p>4 that you had had some concerns about the introduction of this</p> <p>5 evidence, one of them being you felt that perhaps it may have</p> <p>6 been not -- not -- it doesn't apparently reflect additional</p> <p>7 aspects of -- of the maintenance employees' area, work area.</p> <p>8 And you have mentioned that you felt at a disadvantage because</p> <p>9 of the -- IKEA's policy and photos and because the Employer</p> <p>10 provided those photos and you were not given the ample</p> <p>11 opportunity and you had some concerns.</p> <p>12 Employer's counsel replied that you had access to --</p> <p>13 throughout this proceeding, there had been availability of</p> <p>14 access by way of subpoena that you could have taken.</p> <p>15 That said, I'm inclined to introduce them based on -- on</p> <p>16 the -- again, on the testimony you provided to them.</p> <p>17 Can you -- you're welcome to add. Can you elaborate as</p> <p>18 to -- as to -- take the necessary time you can, not repeating</p> <p>19 what I just said, but if you -- can you elaborate as to what</p> <p>20 other areas -- or how -- how would this not reflect -- what</p> <p>21 else would you add in addition to your testimony that this may</p> <p>22 not reflect the totality of -- of the maintenance areas?</p> <p>23 Now, we -- taking into account now, I'll remind you we are</p> <p>24 into -- I've introduced Board Exhibit 12 where you were allowed</p> <p>25 to -- you provided testimony as to the maintenance area of all</p>	<p style="text-align: right;">Page 394</p> <p>1 have introduced them anyways besides -- had you objected, but</p> <p>2 thank you for -- for your position. Board's 13 and 14 are</p> <p>3 admitted into evidence.</p> <p>4 (Board Exhibit Number 13 Received into Evidence)</p> <p>5 (Board Exhibit Number 14 Received into Evidence)</p> <p>6 MS. INESTA: Mr. Hearing Officer, the only thing that I</p> <p>7 would like to say is that we, of course, presented these</p> <p>8 pictures and -- and think they reflect these areas. But these</p> <p>9 do not reflect the testimony, and from the --</p> <p>10 MR. WEDEKING: Mr. Hearing Officer, is this an objection?</p> <p>11 Are we on the record?</p> <p>12 MS. INESTA: This is an objection.</p> <p>13 HEARING OFFICER FONG: Yeah, we're on the record.</p> <p>14 MR. WEDEKING: Okay.</p> <p>15 HEARING OFFICER FONG: We're on the record.</p> <p>16 MR. WEDEKING: Okay.</p> <p>17 MS. INESTA: Yeah. Objection.</p> <p>18 HEARING OFFICER FONG: Go ahead.</p> <p>19 MS. INESTA: It's an objection. So this does not</p> <p>20 reflect -- this is -- this is reflective of what the facility</p> <p>21 actually looks like. My concern is that we don't have</p> <p>22 testimony with respect to the photos, you know, addressing what</p> <p>23 it actually is, other than Mr. Wedeking, so I just want to</p> <p>24 point that out and make that clear, that in agreeing that these</p> <p>25 should be submitted, that we're not in any way conceding that</p>

<p style="text-align: right;">Page 395</p> <p>1 these are in fact -- that the substance of Mr. Wedeking's 2 testimony with respect to these areas is accurate. And I just 3 wanted to make that clear because you keep referring -- 4 HEARING OFFICER FONG: That's fine. 5 MS. INESTA: -- to, you know, maintenance-only areas and 6 this whole thing is maintenance-only areas, but again, that is 7 based on Mr. Wedeking's testimony. 8 HEARING OFFICER FONG: That is correct. No, and the -- I 9 completely agree. And so noted, and the Petitioner's testimony 10 stands as noted. And obviously, the decision writer will 11 acknowledge as well that this -- this -- these areas are for 12 the particular areas that they are. There's no -- the 13 testimony in my view, so that these -- there should not be 14 concerned that -- that the DD&E is going to quantify or -- or 15 dis -- or may -- there's -- there's not -- is -- the record 16 doesn't reflect that these pictures are the equivalent to what 17 everything else that the -- that the Petitioner has testified 18 about. This is only go in for this -- for this particular 19 area. And it does assist. 20 MS. INESTA: I think that even with respect to this 21 particular area, there's no -- 22 HEARING OFFICER FONG: Yes. 23 MS. INESTA: -- and by the Employer, that -- that this 24 is -- that certain areas as testified are maintenance only. 25 I'm sorry, I just want to --</p>	<p style="text-align: right;">Page 397</p> <p>1 Let me just pull him out. Okay. Give me a second here. 2 Petitioner's exhibits -- oh, where's that email? 3 Jeremy, do you remember what time you sent to me the -- 4 the sub -- follow-up email with -- where you combined all of 5 the exhibits? There were two attachments, combined exhibits 6 and combined policies, so I can find it quicker. 7 MR. HART: Sometime shortly after 1:00 probably. I don't 8 recall. 9 HEARING OFFICER FONG: Yesterday, right? 10 MS. INESTA: I have a copy of it. Do you want me to just 11 resend it to you, Mr. Hearing Officer? 12 HEARING OFFICER FONG: No, thank you, Nancy. I just found 13 them. Thank you so much. 14 MS. INESTA: Okay. 15 HEARING OFFICER FONG: If every -- okay. Let me just -- 16 okay. I just found them. Okay. Several -- you know, 17 several -- you know, several of those job descriptions where it 18 says, "Recommended key performance indicators", rel -- and then 19 key -- KPI for the acronym, for -- you know, first page on 20 some -- on some of them, it says, you know, call -- "calls for 21 M3". 22 Mr. Employer, do you know what that stands for? 23 MR. HART: I do not. 24 HEARING OFFICER FONG: Nancy, do you know what it stands 25 for?</p>
<p style="text-align: right;">Page 396</p> <p>1 HEARING OFFICER FONG: So noted. So noted. Thank you. 2 So noted, yes. But the Petitioner, your testimony stands as 3 is. 4 MR. WEDEKING: Very well. 5 HEARING OFFICER FONG: Okay. All right. Thank you so 6 much. 7 Okay. I think -- we're still on the record. I wanted to 8 see, before we go into our -- I believe we have two -- two more 9 witnesses, right, Jeremy? The facilities manager and one more 10 team lead? 11 MR. HART: At least. Yeah, let me -- we're looking into 12 that. Let me -- let me -- give us a few minutes after we get 13 off the record to see who's available. 14 HEARING OFFICER FONG: All right. All right. 15 MS. INESTA: And -- 16 HEARING OFFICER FONG: So far, I believe that's all the 17 Hearing Officer will need. Beyond those two, you can let me 18 know. I'm not -- I'm not sure if I will call them, but I 19 believe -- and the team lead from -- from safety and the 20 facilities manager would -- would aid the -- the record. Okay. 21 So before we start on that, I just wanted to see if we 22 could get some stipulation. I have -- I was looking at earlier 23 exhibits, and on the job classifications, there were some -- 24 some -- some terminology there that I didn't know and the DD&E 25 is not going to know, but I just wanted to ask you about that.</p>	<p style="text-align: right;">Page 398</p> <p>1 MS. INESTA: No, I'm sorry, I don't. 2 HEARING OFFICER FONG: Mr. Petitioner, do you know what 3 that stands for? 4 MR. WEDEKING: No, I do not. 5 HEARING OFFICER FONG: All right. I mean, that -- that's 6 just a secondary nature. Okay. If you don't know, that's 7 fine. That -- the best of the job description is very helpful 8 and they speak for itself. I'll move on. 9 Let's go on with -- with our next witness. Who would that 10 be, Mr. Employer? 11 MR. HART: Can you give us just a few minutes off the 12 record? 13 HEARING OFFICER FONG: Go ahead. Let's be off the record. 14 Let's take a -- let's take a ten-minute break. 15 MS. INESTA: Please. Thank you. 16 HEARING OFFICER FONG: And we'll reconvene at 10:45. 17 Thank you. 18 MR. HART: Thank you. 19 (Off the record at 10:35 a.m.) 20 HEARING OFFICER FONG: Okay. The -- the hearing -- the 21 Region to -- by the -- through this Hearing Officer, would like 22 to call the next witness, who I understand is Aaron Lucas. 23 Mr. Lucas, good morning. How are you? 24 MR. LUCAS: Good morning. I am fine, sir. 25 HEARING OFFICER FONG: Thank you for your time. Can</p>

<p style="text-align: right;">Page 399</p> <p>1 you -- can you state your full name for the record?</p> <p>2 MR. LUCAS: My full name is Aaron Patrick (phonetic)</p> <p>3 Lucas.</p> <p>4 HEARING OFFICER FONG: Okay. And what is your job title</p> <p>5 with -- I'll swear you in momentarily. What is your job title</p> <p>6 at IKEA?</p> <p>7 MR. LUCAS: Facility manager.</p> <p>8 HEARING OFFICER FONG: Okay. Let me go ahead and swear</p> <p>9 you in.</p> <p>10 Whereupon,</p> <p>11 AARON PATRICK LUCAS</p> <p>12 having been duly sworn, was called as a witness herein and was</p> <p>13 examined and testified, telephonically as follows:</p> <p>14 HEARING OFFICER FONG: Thank you so much. You're under</p> <p>15 oath, very kindly. As you're being told, I'm sure by IKEA's</p> <p>16 members, this is a nonadversarial proceeding, just fact</p> <p>17 finding. Your testimony may be very short, very limited,</p> <p>18 medium, we don't know. We'll just go -- go through it. Thank</p> <p>19 you so much. It's normal. Just make sure that, you know, you</p> <p>20 wait for the -- wait for me to finish my question before you</p> <p>21 answer. Thereafter, the Petitioner may have some additional</p> <p>22 questions for you, okay, and that should be -- that should be</p> <p>23 the gist of it. Thank you so much.</p> <p>24 How long have you held your -- the title of facilities</p> <p>25 manager?</p>	<p style="text-align: right;">Page 401</p> <p>1 THE WITNESS: And I have another one. Her name is Asened,</p> <p>2 I believe the last name is Martinez, that I supervise.</p> <p>3 HEARING OFFICER FONG: And when did she come on board as</p> <p>4 team lead?</p> <p>5 THE WITNESS: She is not a team lead; I just supervise</p> <p>6 her.</p> <p>7 HEARING OFFICER FONG: I see. I see. Asaned Martinez, I</p> <p>8 see. Is she the sustainability developer?</p> <p>9 THE WITNESS: Yes, she is, sir.</p> <p>10 HEARING OFFICER FONG: Okay. Can you tell me -- can you</p> <p>11 just tell me a few of your main job responsibilities, like what</p> <p>12 you do on a typical day?</p> <p>13 THE WITNESS: My main responsibility is to make sure that</p> <p>14 all the -- this whole facility is an operational manner and</p> <p>15 safe for all the coworkers to operate their jobs in a safe</p> <p>16 manner with the building operating.</p> <p>17 HEARING OFFICER FONG: The -- the -- do you do -- there</p> <p>18 has been testimony about SD -- SD warehouse and the CD</p> <p>19 warehouse. Do you -- do you work on both, or one or the other,</p> <p>20 or which one? Which side?</p> <p>21 THE WITNESS: I work them both, sir. They integrated.</p> <p>22 It's two businesses in one large facility. We have a total</p> <p>23 of --</p> <p>24 HEARING OFFICER FONG: I see.</p> <p>25 THE WITNESS: -- six buildings here --</p>
<p style="text-align: right;">Page 400</p> <p>1 THE WITNESS: Here at IKEA, less than eight months. Just</p> <p>2 about eight months.</p> <p>3 HEARING OFFICER FONG: Okay. All right. And before that,</p> <p>4 did you work at IKEA, at that IKEA location?</p> <p>5 THE WITNESS: No, I did not, sir.</p> <p>6 HEARING OFFICER FONG: Where else -- where did you work</p> <p>7 before becoming a facilities manager?</p> <p>8 THE WITNESS: I was the project manager for another</p> <p>9 company.</p> <p>10 HEARING OFFICER FONG: I see. Thank you so much. Who --</p> <p>11 directing your attention to management structure managers,</p> <p>12 which team lead for managers are under your supervision?</p> <p>13 THE WITNESS: I have a total of three. I have William</p> <p>14 Villanueva, Robert Jones, and Mitch Newman.</p> <p>15 HEARING OFFICER FONG: Okay. And those are all team leads</p> <p>16 for the facilities, I understand?</p> <p>17 THE WITNESS: Yes, sir.</p> <p>18 HEARING OFFICER FONG: Okay. What about the -- the -- do</p> <p>19 you supervise the -- the team lead for the waste -- for the</p> <p>20 cleaners, or the waste sorters?</p> <p>21 THE WITNESS: Yes, sir.</p> <p>22 HEARING OFFICER FONG: And who is that?</p> <p>23 THE WITNESS: Robert Spivey.</p> <p>24 HEARING OFFICER FONG: Okay. And I'm sorry, you said</p> <p>25 Robert Spivey, Villanueva, and who else, I'm sorry?</p>	<p style="text-align: right;">Page 402</p> <p>1 HEARING OFFICER FONG: Um-hum.</p> <p>2 THE WITNESS: -- in this particular facility, and each</p> <p>3 building, each entity feeds off the other.</p> <p>4 HEARING OFFICER FONG: Okay. What -- what percentage of</p> <p>5 your work are you down in the trenches, so to speak, meaning,</p> <p>6 you know, working, walking around the facility?</p> <p>7 THE WITNESS: I am --</p> <p>8 HEARING OFFICER FONG: As opposed to being in a management</p> <p>9 office?</p> <p>10 THE WITNESS: I am outside at least 30 percent of the</p> <p>11 time.</p> <p>12 HEARING OFFICER FONG: Okay. And the remaining 70</p> <p>13 percent, most of it, you spend it where?</p> <p>14 THE WITNESS: In the office area.</p> <p>15 HEARING OFFICER FONG: Okay. And who -- you share offices</p> <p>16 with who else?</p> <p>17 THE WITNESS: There is a total of at least 12 individuals.</p> <p>18 We're all in a public office. There's no individual office for</p> <p>19 us to be isolated. It is a large area in which we all share a</p> <p>20 same common area to where we can keep the communication</p> <p>21 integratable (sic).</p> <p>22 HEARING OFFICER FONG: There has been some testimony about</p> <p>23 a maintenance hub between buildings one and four. Is that what</p> <p>24 you're referring to by any chance?</p> <p>25 THE WITNESS: No, sir. My office is -- my area that I</p>

<p style="text-align: right;">Page 403</p> <p>1 have a desk in is not in the maintenance office. 2 HEARING OFFICER FONG: Where is it at? 3 THE WITNESS: It's in the main building where all the 4 managers have a desk in the open area. 5 HEARING OFFICER FONG: I see. And the bay -- main 6 building, would that be building 1? 7 THE WITNESS: That is building 1, sir. 8 HEARING OFFICER FONG: I see. I see. I see. Thank you 9 so much for that clarification. 10 Do you have access -- there's been testimony about a 11 maintenance only area and there's -- there has been testimony 12 as to the -- the -- are you aware that the maintenance 13 technicians are given a set of numerous keys to access, you 14 know, maintenance panels or particular areas limited to 15 maintenance? Are you aware of -- that they have those keys? 16 THE WITNESS: Yes, I am aware that they have keys to 17 particular panel boxes, electrical boxes, and that would keep 18 the building safe from just any individual opening up an 19 electrical box and touching anything electrical. 20 HEARING OFFICER FONG: Do you -- are you -- do you have -- 21 do you carry the same set of keys yourself? 22 THE WITNESS: Yes, I do, sir. I carry the same keys 23 and -- but these -- these areas are in a common area, but we 24 only want certain individuals to have access to a panel box. 25 HEARING OFFICER FONG: Thank you so much. Let me ask</p>	<p style="text-align: right;">Page 405</p> <p>1 the maintenance department. So we have individuals who have 2 worked their way up into the maintenance department who was 3 once maybe just a waste sorter or a forklift driver or in 4 various positions. 5 HEARING OFFICER FONG: Thank you so much. Very helpful. 6 There has been previous testimony that, you know, in fact, as 7 you note, one of the -- one aspect of promotion is -- is ending 8 in the maintenance. Why -- why would people want to end up in 9 the maintenance as opposed to, you know, perhaps in the -- some 10 other job classification? 11 THE WITNESS: A lot of it has to do with goal-oriented 12 individuals and they can recognize -- and I think these just 13 happened to be individuals who want to pursue other goals. You 14 have worked in this area for so long, you just want other 15 responsibilities. It's just continuous growth. 16 MR. WEDEKING: Mr. Hearing Officer, I don't know if he can 17 speak for other people. 18 HEARING OFFICER FONG: That's -- 19 MR. WEDEKING: If we -- 20 HEARING OFFICER FONG: That's -- okay. Okay. Thank you 21 so much. Objection noted. Overruled. I will follow up. I'm 22 going to follow up. 23 THE WITNESS: But what I wanted to -- I apologize. 24 HEARING OFFICER FONG: Yeah, go on. 25 THE WITNESS: What I just stated is that often, we're told</p>
<p style="text-align: right;">Page 404</p> <p>1 you -- 2 MR. HART: Mr. Hearing Officer -- 3 HEARING OFFICER FONG: Yes. 4 MR. HART: I -- I -- the witness is -- is answering yes- 5 or-no questions kind of elaborately. I just -- I just -- I 6 don't think it's necessary. 7 MR. WEDEKING: It's examination. 8 HEARING OFFICER FONG: That's okay. That's okay. Thank 9 you so much for that. You're doing fine. You're doing fine, 10 Mr. Lucas. 11 So noted, Petitioner. So noted. 12 Let me ask -- let me move onto -- I have a few questions 13 about -- about promotions, such as, you know, there's been some 14 testimony about certain job classifications moving, 15 particularly from the general warehouse, moving them to -- onto 16 different classifications. Have you -- in your experience as a 17 facilities manager, have you been asked for input as to any 18 particular employee being -- being promoted from one job 19 classification to another? 20 THE WITNESS: Yes. We have individuals who have been 21 working here, who have just started off as maybe a waste sorter 22 or in different various jobs. And being that we promote from 23 within, these individuals have come up through the ranks and 24 they see that the facility maintenance department is another 25 area of the goal, and they have made it a goal to even come to</p>	<p style="text-align: right;">Page 406</p> <p>1 here to the team members, we're told as a team that we work 2 together, have goals. And goals could be various different 3 departments. So when I'm making reference to individuals using 4 the maintenance department as a goal, some of them do have that 5 because we want them to be goal oriented, and that's one of the 6 things in which a lot of individuals do; they move to different 7 and various departments, and some of them want to come to 8 maintenance. 9 MR. WEDEKING: Again -- again, Hearing Officer, I object 10 to that, to -- 11 HEARING OFFICER FONG: Well, so noted. Thank you. So 12 noted. 13 MR. WEDEKING: Great. Fair enough. 14 HEARING OFFICER FONG: Does the -- does the goal of going 15 to the maintenance have anything to do with salary base -- 16 THE WITNESS: Sir, I could -- 17 HEARING OFFICER FONG: -- salary range? 18 THE WITNESS: Sir, I -- 19 HEARING OFFICER FONG: It's out of my range. 20 THE WITNESS: I couldn't answer what they're individual 21 reasons for having those -- those, but I just know they have 22 them. 23 MR. WEDEKING: That -- that -- 24 HEARING OFFICER FONG: Thank you so much. Thank you so 25 much. Have you -- have you -- in your -- in your eight months</p>

<p style="text-align: right;">Page 407</p> <p>1 as facility manager, have you -- have you been -- have you 2 provided input -- have you provide -- have you -- have you been 3 involved in any job classification being promoted to 4 maintenance, meaning, like, super -- you know, management going 5 to you and saying, what do you think about so-and-so going into 6 maintenance? Can you have that interaction? 7 THE WITNESS: I have had individuals who have applied for 8 maintenance when a position becomes available. And these 9 employees -- we have interviewed all of them. And we could 10 only make certain selections. So individuals, yes, have been 11 selected to come into maintenance who were once working on the 12 main floor with the other team members. 13 HEARING OFFICER FONG: Okay. What -- what are some of the 14 qualifications that you would see as pertinent for somebody to 15 be promoted to the maintenance department? 16 THE WITNESS: Some of the -- one of the qualifications in 17 which we look for are individuals who could, what I call, turn 18 a wrench. So they don't have specific skills to where they're 19 just highly appraised over another. It's just individuals 20 who's willing to learn or who have the ability to turn a 21 wrench. It's that simple. 22 HEARING OFFICER FONG: If -- okay, I -- I get it. No, 23 that makes sense. The -- the -- say, between two individuals, 24 one works as a -- as a -- as a -- actually, it's a speculative 25 specific example. More -- we're heading off -- we're heading</p>	<p style="text-align: right;">Page 409</p> <p>1 HEARING OFFICER FONG: So noted. Thank you. Thank you, 2 Mr. Petitioner. 3 Mr. Employer's Counsel, go ahead and tell me. 4 MR. HART: Yeah, the -- this -- this witness has -- has 5 knowledge about numerous community of interest factors that 6 would supplement the record, including the photographs of 7 the -- of the maintenance-only areas, what -- the maintenance- 8 only areas, the frequent and regular contacts, the inner change 9 of employees, the integration of the maintenance department 10 into the whole facility. You haven't even asked him about how 11 the -- how the maintenance area functions within the whole 12 facility. That's the -- 13 MR. WEDEKING: That's -- 14 MR. HART: That's a key for -- 15 MR. WEDEKING: Mr. Hearing Officer, I think it's -- I'm 16 sorry. I don't want to -- I'm -- 17 MR. HART: That's a key factor within the community-of- 18 interest standard. And the Board has to have testimony on that 19 on -- on that factor, among others, to have a whole and 20 complete record. You can't make the determination with regard 21 to community of interest without having testimony and evidence 22 on that. And this witness is particularly suited to testify 23 about that when other witnesses have not been. 24 MR. WEDEKING: Mr. Hearing Officer, I think that that 25 whole -- that whole dialogue that the Employer counsel just had</p>
<p style="text-align: right;">Page 408</p> <p>1 off on this -- on the record. So I'll withdraw my question. 2 Okay. We were having a lot of testimony towards the end 3 of the spectrum. So we may be lucky to be short a witness on 4 behalf of the Hearing Officer, Mr. -- Mr. -- Mr. Lucas. I 5 mean, though, let me just pull out some notes, see if I have -- 6 if I have anything additional to ask of you. 7 MR. HART: Mr. Hearing Officer, there are a number of 8 subjects that this witness has knowledge of, including the -- 9 MR. WEDEKING: Mr. Hearing Officer, I don't think the -- 10 MR. HART: Please -- please don't talk over me. 11 Including he trained the maintenance area and -- and the 12 integration of the facilities that -- 13 MR. WEDEKING: Mr. Hearing Officer, he's -- he's -- he's 14 making -- he's -- 15 MR. HART: -- is not calling on the record and that should 16 be explored with this witness if the Region desires to have a 17 full and complete record. 18 MR. WEDEKING: Mr. Hearing Officer, the -- the Employer's 19 counsel is -- is litigating when -- when he does that stuff. 20 They're -- they're precluding -- he's making suggestions on how 21 the Hearing Officer should ask his questions. And I don't 22 think that's -- that's -- that's -- that's right. He's 23 precluded from -- from making anything, and he's suggesting to 24 you questions to ask. 25 MR. HART: We're not going to --</p>	<p style="text-align: right;">Page 410</p> <p>1 is just totally out of line because I -- I think that you -- 2 you are able to decide what -- what to ask and what's not -- 3 what's pertinent and what's not. And -- and they're precluded, 4 so I don't -- I don't see any -- 5 HEARING OFFICER FONG: The -- the -- I -- I hadn't -- I 6 hadn't been done with my questioning yet. I've -- that was 7 going to be my last topic of -- of -- of coverage. That said, 8 you know, there has been a lot of testimony as to the team 9 leads and as to what the actual maintenance technicians do. 10 That said, let me ask -- let me finish up with some -- some 11 follow-up questions with -- of this witness. 12 Mr. Lucas, can you testify about the -- where -- where -- 13 where -- where does the maintenance team fit into the structure 14 of the facility? 15 THE WITNESS: The maintenance team is -- provides a 16 service to our customers, and our customers are our coworkers. 17 And we work together to make sure that the process continues 18 and is uninterrupted. We want to make sure that any packages, 19 any type of equipment, anything that comes in this building 20 reaches its destination. And when that process is stopped for 21 some reason, maintenance is there to make sure it's mitigated 22 and is lessened as much as possible so that we can continue the 23 process to get our products to its destination. 24 HEARING OFFICER FONG: Right, right. I understand that. 25 Obviously, if -- if something breaks down, maintenance</p>

<p style="text-align: right;">Page 411</p> <p>1 doesn't -- and I'm done testifying now -- yourself, but it's 2 understood that if something breaks down and maintenance is not 3 there to fix it, things don't get delivered; things don't get 4 done. That -- that, I think it's -- it's understood. But you 5 say, for the record, that that -- that's the key. I understand 6 that's a part of the overall process of the -- of the facility. 7 I'm not going to ask you -- give you some pictures to 8 look -- some questions about maintenance pictures and things 9 like that. I think the record is sufficient on those. 10 What is the -- what is the relationship between facility 11 and safety, maintenance -- maintenance department and safety, 12 safety department? 13 THE WITNESS: It's in the -- 14 HEARING OFFICER FONG: If any? 15 THE WITNESS: They have to work together. Safety provides 16 such an integral part of all of us to make sure that whatever 17 we're doing, that they -- we're doing it in the most safe 18 manner to protect not only each other, but our coworkers as 19 well. So safety and facilities work hand-in-hand. It's a 20 hand-in-the-glove relationship. And they need us to make sure 21 that this facility is operating in a safe manner. They're 22 constantly pointing out things or bringing it to our attention 23 that we can help and make sure our team members are working in 24 a safe environment. And these are -- 25 HEARING OFFICER FONG: What is the relation -- what is</p>	<p style="text-align: right;">Page 413</p> <p>1 HEARING OFFICER FONG: Are you not aware about -- 2 THE WITNESS: The team leader usually handles any kind of 3 overtime that the team members are allowed. He has that 4 authority to allow it. 5 HEARING OFFICER FONG: Okay. All right. I don't have 6 anything further. Thank you so much. 7 Mr. Petitioner? 8 MR. WEDEKING: Thank you, Mr. Hearing Officer. 9 DIRECT EXAMINATION 10 Q BY MR. WEDEKING: Okay. Good morning, boss. 11 A Good morning, sir. 12 Q The -- the latest maintenance technician to be hired on -- 13 Cesar, correct? 14 A That is correct, sir. 15 Q Was he a prior warehouse coworker? 16 A No, he was not, sir. 17 Q Did you interview other prior co -- warehouse coworkers 18 for that position? 19 A Yes -- no, sir. Yes, I did, sir. Yes, I did. 20 Q Okay. Can you explain maybe why Cesar was picked outside 21 of the general warehouse coworkers? If IKEA promotes from 22 within, why was Cesar picked? 23 A Cesar was picked because we also have an obil -- 24 obligation to the community. And out of all the people that we 25 had been hiring from promoting within, he is one individual</p>
<p style="text-align: right;">Page 412</p> <p>1 your relationship between the team leads of maintenance -- 2 what -- how did you get involved, if any, between the team 3 leads for the maintenance department and the team leads for the 4 security department? 5 THE WITNESS: Because the safety and security is always 6 conducting audits to make sure that things are safe in this 7 building. And if they find any anomalies, they usually call 8 facility maintenance to take a look at it and to make sure it's 9 operating in a safe manner. 10 HEARING OFFICER FONG: By anomaly, you're referring to a 11 main -- obviously, a maintenance anomaly? 12 THE WITNESS: Yeah, it -- it could -- it could be a toilet 13 has been backed up. It could be water on the floor. It could 14 be objects on the floor that needs to be cleaned up. Anything 15 that they find that they feel can create a hazard and 16 maintenance is needed, they will bring it to our attention. 17 HEARING OFFICER FONG: There have been tes -- there's been 18 some testimony about -- about facilities maintenance 19 technicians, if they're working on a particular project, that 20 they're allowed to -- to -- to work a little bit of overtime 21 without prior approval until they finish that particular 22 project. Can you -- if you're aware of that, can you -- can 23 you elaborate a little bit on that subject? 24 THE WITNESS: No, I cannot, sir. Because they're 25 usually --</p>	<p style="text-align: right;">Page 414</p> <p>1 that we can think of, the only individual that we have ever 2 hired, to come into maintenance. Everybody else had been 3 promoted from within. 4 Q I was hired into maintenance directly. Are you talking 5 here recently? Or is that -- 6 A It was my -- during my tenure. 7 Q Where did Gabriel Atkinson get -- get promoted from? 8 A These were hired from within. 9 Q Do you know what department he was in? 10 A No, I cannot tell you the exact department that he was in. 11 Q Can you tell me what his job function was? 12 A What his job function was? I believe Gabriel was an 13 assistant, either waste sorter or a cleaner. But he was one or 14 the other. 15 Q But in the facilities department? 16 A He was working with the -- with the facilities. I don't 17 know if he was a -- actually labeled under the facilities. He 18 was working with the facilities when I came on board. 19 Q Did -- did Gabriel -- was Gabriel issued a -- a uniform 20 when he was hired on? 21 A I believe so, absolutely. 22 Q What other departments are -- are issued uniforms? 23 A Excuse me. It's usually the maintenance is -- maintenance 24 and individuals who help maintenance are issued a uniform so 25 that they can be highly visible so that when they're out on the</p>

<p style="text-align: right;">Page 415</p> <p>1 floor -- anything that happens, the team members need to be 2 able to recognize these group of individuals in order to flag 3 them down and get their help. So this uniform serves as a dual 4 purpose, not only for a visual so that maintenance and the 5 helpers can be identified, but also, the reflectives serve as a 6 safety purpose as well.</p> <p>7 Q Are you familiar with CAFM?</p> <p>8 A Yes, I am, sir.</p> <p>9 Q So you said you spend about 70 percent of the time at your 10 desk. What -- what's your -- what's your role in CAFM?</p> <p>11 HEARING OFFICER FONG: He said 30 percent of the time in 12 the -- in the -- in the --</p> <p>13 MR. WEDEKING: In the warehouse. I'm sorry, sir. Thank 14 you.</p> <p>15 HEARING OFFICER FONG: Yeah.</p> <p>16 MR. WEDEKING: Thank you.</p> <p>17 Q BY MR. WEDEKING: The 70 percent of the time you're at 18 your desk -- how much of that 70 --</p> <p>19 A I'm -- I'm looking at the work orders that have been 20 issued. And I could see those who had not completed the work 21 orders and who have completed work orders. I can also see 22 who's inputting work orders as well.</p> <p>23 Q Yeah.</p> <p>24 A And CAFM is an antiquated system compared to the updated 25 system that people use. And in future retrospect, CAFM will be</p>	<p style="text-align: right;">Page 417</p> <p>1 Mr. Petitioner. Thank you so much. So yes.</p> <p>2 And when you -- there's testimony about you having 3 accessibility to CAFM and seeing particular orders as to who 4 puts in what, has there been a location where -- where the -- 5 where -- where you had to step in or direct your team leads as 6 to a particular difficult project where you see necessary main 7 power, so to speak, maintenance-speaking-wise for direction as 8 to going to that particular problematic problem?</p> <p>9 THE WITNESS: Yes. If anybody has a problem with the CAFM 10 or if we're filling in a project that has been placed in CAFM, 11 that's what the open communication is for. We're quick to have 12 any team -- your team leader's going to assign that work to a 13 team member who's either qualified or a couple of them who can 14 team together and fulfill that order or -- or whatever that 15 project may be.</p> <p>16 HEARING OFFICER FONG: And -- and would they come to 17 you -- has there been an occasion where there has been some 18 additional feedback on your -- your -- your recommendation as 19 required?</p> <p>20 THE WITNESS: No, they --</p> <p>21 HEARING OFFICER FONG: If so, can you give me an example?</p> <p>22 THE WITNESS: No. They usually go to their team leader. 23 And the problems aren't that complicated. So they never had to 24 come to me concerning a particular way in -- to fulfill an 25 order. They usually come to me to inform me what they're going</p>
<p style="text-align: right;">Page 416</p> <p>1 done away with.</p> <p>2 Q Very well. Going back to Cesar, can you -- I'm sorry. 3 I -- I was -- I must have been busy. Explain to me again why 4 he -- his position was filled from without --</p> <p>5 A Well, usually --</p> <p>6 MR. HART: Excuse me, asked and answered. Go ahead.</p> <p>7 MR. WEDEKING: Yeah, okay. All right. I'll -- I'll get 8 clarification later.</p> <p>9 I think that's it, Mr. Hearing Officer.</p> <p>10 HEARING OFFICER FONG: I -- I have a few follow-up 11 questions as a result of your inquiry, Mr. Petitioner.</p> <p>12 MR. WEDEKING: Very well.</p> <p>13 HEARING OFFICER FONG: Just Mr. -- Mr. Lucas, when you 14 said you hired a particular person because there was a 15 community -- you said something to the effect you owed it to 16 the community. Who -- what do you mean by that? I mean, 17 skill-wise? Or -- I don't understand.</p> <p>18 THE WITNESS: No, when we say "community", we want the 19 community to know that we are an employer that hires. So we 20 just -- sometimes, we want to be able to take individuals out 21 of the community and give them a source of employment as well.</p> <p>22 MR. WEDEKING: Mr. Hearing --</p> <p>23 HEARING OFFICER FONG: Okay.</p> <p>24 MR. WEDEKING: Okay.</p> <p>25 HEARING OFFICER FONG: Yeah, yeah. You'll have your turn,</p>	<p style="text-align: right;">Page 418</p> <p>1 to do. And it sounded good to me. And I told them, please, 2 guys, follow that recommendation according to your team leader.</p> <p>3 HEARING OFFICER FONG: Okay. All right. Anything 4 additional, Mr. Petitioner? Go ahead and ask Mr. Lucas.</p> <p>5 MR. WEDEKING: No, I'm done, Mr. Hearing Officer.</p> <p>6 HEARING OFFICER FONG: All right. Thank you so much, Mr. 7 Lucas. Thank you for your time. You have a good day and have 8 a good weekend.</p> <p>9 THE WITNESS: Thank you, gentlemen.</p> <p>10 HEARING OFFICER FONG: Thank you.</p> <p>11 MR. WEDEKING: Okay, boss. Thank you so much.</p> <p>12 THE WITNESS: You're welcome, sir.</p> <p>13 HEARING OFFICER FONG: Mr. Petitioner, at this point in 14 time, why don't we go ahead -- you said that you -- you wanted 15 to cover -- I know we have a potential additional witness. 16 I'll address that momentarily, but I want to know -- you 17 have -- I want to know, for purposes of lining up what's 18 necessary, logistically and legally speaking.</p> <p>19 What -- can you -- you said you wanted to address some 20 point before we close the record? We're getting to that point, 21 so I don't want to -- unless you -- I don't anticipate any 22 issues. So can you let me know -- can you discuss for us your 23 point?</p> <p>24 MR. WEDEKING: The -- the -- the exhibit of the MHE certs 25 that the -- the Board has put on the record -- it's a list of</p>

<p style="text-align: right;">Page 419</p> <p>1 licenses that --</p> <p>2 HEARING OFFICER FONG: I'm sorry. Which -- which Board</p> <p>3 exhibit, again, you're talking about?</p> <p>4 MR. WEDEKING: This -- I -- my -- my track --</p> <p>5 HEARING OFFICER FONG: Explain it. Explain it again.</p> <p>6 I'll find it.</p> <p>7 MR. WEDEKING: The MH -- the MHE certs.</p> <p>8 MR. HART: It's Board 8.</p> <p>9 HEARING OFFICER FONG: Okay, and tell me more. I'm sorry.</p> <p>10 Board 8; is that the one that talks about -- these are Baker</p> <p>11 exhibits?</p> <p>12 MR. WEDEKING: Yes, yes.</p> <p>13 HEARING OFFICER FONG: Okay. And what -- which one again?</p> <p>14 MR. WEDEKING: MHE certs.</p> <p>15 HEARING OFFICER FONG: MHE certs. Okay, good. I'm</p> <p>16 pulling that up. Okay. Yes, I now have it in front of me.</p> <p>17 Yes.</p> <p>18 MR. WEDEKING: So I know we went over this yesterday, but</p> <p>19 then, I've had time to -- to really look at it. I was kind of</p> <p>20 hasty whenever I let it -- let it go through. That is a list</p> <p>21 of the -- the -- the pieces of equipment each coworker has a</p> <p>22 license for. And as Mitchell testified, he has a license and</p> <p>23 he isn't on that list. And Mitchell also testified that there</p> <p>24 are coworkers in every department that -- that have licenses</p> <p>25 that are also not on that list. And -- and I bring that up</p>	<p style="text-align: right;">Page 421</p> <p>1 HEARING OFFICER FONG: Let me before I -- before I get</p> <p>2 Employer's point -- point on that, I'd like to -- to let you</p> <p>3 know this document doesn't show -- it's not limited to, you</p> <p>4 know -- it doesn't reflect that only this particular, in my</p> <p>5 view, on the -- on the decision, the -- writer's view, this</p> <p>6 document doesn't reflect that, you know, that this is the --</p> <p>7 the -- the entire universe of who gets what training.</p> <p>8 I think you've done a decent job in -- in specifying,</p> <p>9 like, additional training that's only related to the</p> <p>10 maintenance technicians. And -- and you have said on the</p> <p>11 record the fact issues you have with this document,</p> <p>12 specifically as to certain employees that you -- that you --</p> <p>13 that you mentioned.</p> <p>14 So for that purpose -- and you know, Ms. Baker did</p> <p>15 testify, in my view, as to the -- the -- the business record</p> <p>16 exception -- I mean, the business record propriety of this</p> <p>17 document.</p> <p>18 So with -- with -- with the objections noted on the record</p> <p>19 and the, again, the totality of the universe on the -- on</p> <p>20 the -- on one factor of many, being the qualification</p> <p>21 technician -- the skills as to who gets what, and in addition</p> <p>22 to Board Exhibit -- or Petitioner's, I think, 5 or 6, which is</p> <p>23 that Excel sheet that, in my view, clearly identifies which</p> <p>24 skills are even only to the facilities training, I'm -- I'm --</p> <p>25 I'm still going to allow it. And it will be given the</p>
<p style="text-align: right;">Page 420</p> <p>1 to -- to -- first of all, to show that a license doesn't</p> <p>2 necessarily mean community of interest in the fact that they</p> <p>3 use the -- the piece of equipment for the same functions.</p> <p>4 But more importantly, I feel that that document was also</p> <p>5 given to Ms. Baker by the safety and security team of the</p> <p>6 Tahoma warehouse. So I don't know if evidence could be</p> <p>7 hearsay, but -- or documents could be hearsay, but I kind of</p> <p>8 feel that she got that from somebody else. And I don't know if</p> <p>9 she -- she testified to it being complete and current. But</p> <p>10 it's obviously not the full list. And I think that just goes</p> <p>11 to show that the -- that -- that if the document that -- that</p> <p>12 was suggested by Employer's counsel that -- that wasn't really</p> <p>13 requested by you, but it kind of got on the record anyways,</p> <p>14 as -- as well as the training documents.</p> <p>15 Mitchell -- Mitchell also said that -- that there's ladder</p> <p>16 training. And I've also mentioned ladder training. And you</p> <p>17 can see by the documents that's -- that the Board has put on</p> <p>18 the record, there is no ladder training. So there's -- there's</p> <p>19 obviously, in my opinion, there -- there's obviously more</p> <p>20 training out there that -- that -- that's not on the record.</p> <p>21 And the fact that the -- there's -- those two things were</p> <p>22 suggested by Employer's counsel, I just -- and the -- they're</p> <p>23 precluded from -- from making any -- presenting any evidence, I</p> <p>24 just -- I -- I -- I just feel that it's misleading and that it</p> <p>25 shouldn't be allowed.</p>	<p style="text-align: right;">Page 422</p> <p>1 appropriate weight.</p> <p>2 Having said that, Mr. Employer, do you have anything else</p> <p>3 to add that you have not said already, which is on the record?</p> <p>4 MR. HART: Yeah, just -- just a few points. One --</p> <p>5 MR. WEDEKING: Really? I could barely hear you.</p> <p>6 MR. HART: First of all, a couple of points. Mr.</p> <p>7 Petitioner has had the ample opportunity to cross-examine and</p> <p>8 re-cross-examine the -- the witnesses that have been produced.</p> <p>9 To -- for him to raise points like this now when the witness is</p> <p>10 no longer on the stand is -- is just improper. He had the</p> <p>11 opportunity to ask these questions of Ms. Baker, test her</p> <p>12 knowledge and authenticity of the document, the business</p> <p>13 records exception, and any other issues he had with the</p> <p>14 document. And he didn't do so at the time. Now's not the time</p> <p>15 to do it.</p> <p>16 Second of all, Ms. Baker testified that Board Exhibit 8</p> <p>17 contained the -- the certifications for the coworkers, not the</p> <p>18 supervisors. Mr. Newman clearly testified that he was a --</p> <p>19 that he's a team lead. He's a supervisor. So he wouldn't be</p> <p>20 expected to be on this document.</p> <p>21 And -- and -- and again, these -- these are proper</p> <p>22 records. She established a foundation. She established a</p> <p>23 business records exception. And the documents speak for</p> <p>24 themselves. They show --</p> <p>25 HEARING OFFICER FONG: Before I -- before I give you an</p>

<p style="text-align: right;">Page 423</p> <p>1 opportunity to ask -- to respond to that, Mr. Petitioner -- to 2 know as well, I don't see your -- your issue as being improper. 3 We were -- we were given a huge stack of documents. And I 4 realize that. And I appreciate your cooperation in -- in 5 allowing those -- more exhibits to go in. 6 So it's understandable how, you know, you -- you -- you -- 7 with -- your cooperation as noted. You -- you realize the 8 issues you have raised. So that -- that's okay. And you feel 9 free to make any additional sole objections over this 10 particular set of circumstances. 11 That said, do you have anything additional to say, Mr. 12 Petitioner? 13 MR. WEDEKING: Mitchell Newman also told -- 14 HEARING OFFICER FONG: On this -- on this issue -- on this 15 issue. 16 MR. WEDEKING: Yes, yes, yes. He also -- I mean, he also 17 testified that he was once in charge of training. And he 18 trains -- he trains all departments for -- for all -- not just 19 managers or team leads, but other departments, like IT. And he 20 said every department has people who have licensing in it. And 21 if you look at that list, it -- it doesn't reflect that at all. 22 And -- and that'd been fine, but the first -- when we first got 23 it, I was under the impression that it was a list, a complete 24 list, of -- and maybe I -- I wasn't paying attention. But I 25 just thought it was a complete list of --</p>	<p style="text-align: right;">Page 425</p> <p>1 have him talk about why one, you know, something breaks down 2 everything else breaks down was -- was the testimony that Lucas 3 had said and is something overall that's understood. I'm -- 4 I'm inclined to -- to not proceed if you -- if -- if that's the 5 majority of the testimony. So go ahead. 6 MR. WEDEKING: I was just going to remind you that it's -- 7 that it's your witness that you'd be calling and not theirs. 8 So whatever reasons you would want to question him, that's 9 what's relevant, not the reason that they would present him to 10 you. Correct? 11 HEARING OFFICER FONG: Thank you so much. No, you're 100 12 percent. And that's -- to be -- know -- know 100 percent that 13 the testimony and the witnesses I have allowed -- know 100 14 percent that my questioning and who I have allowed and have not 15 allowed are -- are -- argument were only done for purposes of 16 what the Hearing Officer, with guidance from the Regional 17 Director, deemed relevant. 18 MR. WEDEKING: Very well. 19 HEARING OFFICER FONG: Okay? 20 MR. WEDEKING: Very well. 21 MR. HART: With -- with regard to -- 22 HEARING OFFICER FONG: Who -- go ahead, Mr. Jeremy (sic). 23 MR. HART: Yeah. With regard to the wit -- witnesses that 24 we can make -- 25 HEARING OFFICER FONG: Yeah. So you do sound a little</p>
<p style="text-align: right;">Page 424</p> <p>1 HEARING OFFICER FONG: I understand. When you say he 2 testified to that, are you referring to Mr. Lucas? 3 MR. WEDEKING: No, Mitchell Newman. 4 HEARING OFFICER FONG: Oh, Mitchell Newman. Mitchell 5 Newman, okay. Yeah, you know, there's -- there's -- yeah. 6 There's periphery issues that -- that -- that maybe given more 7 weight, some to others. I understand. It is what it is. 8 You've given your objections. And let -- let's move on. 9 MR. WEDEKING: Very well. 10 HEARING OFFICER FONG: I -- you know, the documents -- 11 again, the -- the -- the witnesses are starting to -- to be a 12 little bit duplicative or beyond -- beyond the -- the -- the 13 time that we're spending is starting to outweigh the relevancy 14 of the material. And it is getting a little bit touchy in 15 terms of the preclusion issue. So as to the -- as to the -- as 16 to the last witness that the Hearing Officer, with the RD's 17 guidance, had mentioned would be helpful. 18 I'll entertain -- before I accept a witness, I'll 19 entertain an -- an offer of proof. Just know, Mr. Employer, 20 that obviously, the reason why I didn't go into much detail 21 with Mr. Lucas is that it is understood that obviously, any -- 22 in any -- in any facility, including this one, you know, all 23 the departments, all the -- all the job classifications are 24 interrelated. What he's -- what -- he did say what he said. 25 But you know, in the -- in the next thing you intend to just</p>	<p style="text-align: right;">Page 426</p> <p>1 muffled for some reason. You were doing well before. 2 MR. HART: I think -- 3 THE COURT REPORTER: I'll get you. 4 MR. HART: Is this better? 5 HEARING OFFICER FONG: Yes, that -- that's better. 6 MR. HART: Okay. Well, with regard to the wit -- the 7 remaining witnesses that we have available, the -- we have -- 8 we have three remaining available. The first is a team lead 9 that -- as we discussed that is the team lead over the stock 10 controllers and the recovery coworkers. There's absolutely no 11 testimony in the record about -- about that, anything like 12 that. 13 Second of all, we have a -- a witness available to discuss 14 the -- the third prong of following the industry standard. 15 We -- as we talked about yesterday, that is an essential 16 inquiry for the Board. And -- and we have a witness who is 17 available and ready and willing to testify about that. We 18 believe that's evidence that's absolutely necessary for this 19 record to be -- to be complete. 20 Third, we also have the -- the site manager, which you 21 expressly asked for. Mr. Gordon. 22 HEARING OFFICER FONG: Okay. Well, what I -- okay. Let 23 me break those down. The -- the -- the industry standard -- 24 who do you intend to call? 25 MR. HART: Mike Bostic.</p>

<p style="text-align: right;">Page 427</p> <p>1 MR. WEDEKING: Mr. Hearing Officer, they're not allowed to 2 call anybody.</p> <p>3 HEARING OFFICER FONG: No, I'm sorry. You're right. The 4 ones you're making volun -- the ones you are -- 5 Thank you, Mr. -- I keep on making the mistake. 6 Who are you making available for the Hearing Officer to 7 call for the industry standard? 8 MR. HART: Mike Bostic. 9 HEARING OFFICER FONG: Okay. And -- and -- and then 10 specifically, what is it that -- what's offered as proof for 11 the industry standard? You intend to guide this Mr. Bostic to 12 talk about -- 13 MR. WEDEKING: Mr. Hearing Officer, again -- again, you 14 keep rephrasing it like it's -- like it's their -- they're 15 presenting it. 16 MR. HART: We're presenting an opportunity. 17 HEARING OFFICER FONG: Well, what -- what is -- what is 18 the offer of proof -- 19 MR. WEDEKING: Okay, okay. Very well. 20 HEARING OFFICER FONG: -- for Mr. Bostic? 21 MR. HART: Yeah, it -- Mr. -- Mr. Bostic has knowledge of 22 and would testify concerning the -- the makeup of bargaining 23 units at IKEA's facilities across the country: in Westampton, 24 New Jersey; in Perryville, Maryland; in Tacoma, Washington; in 25 Savannah, Georgia; and in Joliet, Illinois. And that's</p>	<p style="text-align: right;">Page 429</p> <p>1 still on the record? 2 HEARING OFFICER FONG: Yes, yes, we are on the record. 3 MR. HART: First of all, let me -- let me object then to 4 the Hearing Officer's refusal to -- to call Mr. Bostic. As you 5 know -- 6 HEARING OFFICER FONG: You have -- objection noted. I 7 will not entertain anything additional. I -- we call whoever 8 we want -- the Region believes will strengthen the record. I 9 made up -- I made my ruling on the industry standard. That's 10 going on beyond the issue of preclusion. I apologize. That is 11 my final ruling. 12 You made your offer of proof. And the Hearing Officer 13 will not call that witness, with all due respect. Thank you so 14 much. 15 MR. HART: We haven't made a -- 16 HEARING OFFICER FONG: Let's proceed to -- 17 MR. HART: -- an offer of proof. 18 HEARING OFFICER FONG: You made a -- you made -- you made 19 a sufficient offer of proof for -- for Mr. Bostic, enough for 20 me to know -- to make that ruling. 21 MR. HART: Can we go off the record? 22 HEARING OFFICER FONG: Not -- not -- not yet. Let's 23 proceed to the other additional witnesses, and then we can go 24 off the record. But for now, let's proceed with -- 25 MR. HART: Mr. Hearing Officer -- Mr. Hearing Officer --</p>
<p style="text-align: right;">Page 428</p> <p>1 especially relevant as you -- you, the Board, itself, brought 2 up the alleged makeup of the unit in Joliet, Illinois. And so 3 the fact that you brought that and the Board has asked us to 4 brief the standard on this issue, we believe that -- that not 5 only should Mr. Bostic be able to testify, but that we should 6 be able to present him on that issue. This is a -- this is 7 a -- 8 HEARING OFFICER FONG: The -- my -- my ruling on that is 9 he -- he -- that -- that -- that's beyond -- that's touching on 10 the issue of preclusion. I'm not going to allow. You made an 11 offer of proof. I'm not going to call -- I'm not going to call 12 that witness to testify. 13 The site manager, besides what I believe he'll talk about 14 in terms of functionality or -- or inter -- or interrelation of 15 the maintenance fitting into the whole, you know, operations, 16 what else -- what else do you -- do -- make an offer of proof 17 for his testimony? Again, my position back then was, as the 18 first witness, we have had many additional -- the Hearing 19 Officer has called many additional witnesses since then that, 20 in my view, have painted a pretty good picture for the -- for 21 the community of interest. So what I had said back then is 22 different now. 23 So go ahead and make your offer of proof as to what -- 24 what Mr. Gordon will testify about. 25 MR. HART: Let me -- before I do that, are we -- are we</p>	<p style="text-align: right;">Page 430</p> <p>1 HEARING OFFICER FONG: -- an offer of proof on Mr. Gordon. 2 MR. HART: -- we -- I have to state -- state our objection 3 for the record. We have not made our -- finished our offer of 4 proof with regard to Mr. Bostic. We should have the 5 opportunity to make a formal offer of proof on -- on the record 6 with regard to Mr. Bostic if you're going to refuse to call 7 him. He obviously has personal knowledge of and relevant 8 evidence that's necessary to complete this record under the 9 Boeing case. And -- and your refusal to call him makes this 10 record completely incomplete. It's incomplete -- 11 HEARING OFFICER FONG: Be -- be -- beyond -- beyond the 12 industry standard, what else -- make an additional offer of 13 proof for me, sir. Mr. Balsic, is it? 14 MR. HART: Mr. Bostic. That -- that is what I was -- 15 HEARING OFFICER FONG: Bostic. Okay, what else -- 16 MS. INESTA: Mr. -- 17 HEARING OFFICER FONG: -- additionally, what else you 18 intend to offer him for? 19 MR. HART: Mr. Hearing Officer -- 20 MS. INESTA: Mr. Hearing -- 21 MR. HART: -- can we -- can we have five minutes -- 22 MS. INESTA: Yeah. 23 MR. HART: -- off the record here? 24 MS. INESTA: Yeah. If we could have five minutes to 25 prepare what we -- we believe that he had relevant information,</p>

<p style="text-align: right;">Page 431</p> <p>1 that he would be someone that would be called. If we could 2 have five minutes, and then we will do a very clear and concise 3 offer of proof for what Mr. Bostic would've testified to, which 4 is, I mean, certainly allowed under the proceedings -- under 5 these proceedings. 6 Whether the -- whether the Region would like to consider 7 the information, that, of course, is -- you know, whether 8 you're going to consider it or not, that's not something that 9 we can control. But certainly for the record, Mr. Hearing 10 Officer, we ask that -- give us a couple of minutes, and we'll 11 put together a -- we'll put together our offer of proof. We'll 12 make it as short and concise as possible, get it on the record, 13 and then we can move on. 14 HEARING OFFICER FONG: Fair. Fair. Before we go off the 15 record, though, I want to talk about the remaining witnesses 16 for -- for purposes of the remaining of the -- day of the 17 hearing. And we'll get back, yes, to the offer of proof on Mr. 18 Bostic. 19 With respect to Gordon, what is -- do you -- are you 20 prepared to give a short offer of proof -- 21 MR. HART: Well -- 22 HEARING OFFICER FONG: -- on his testimony? 23 MR. HART: Can we give an offer of proof on -- on all the 24 remaining witnesses when we come back on the record? 25 HEARING OFFICER FONG: Yes. Besides Gordon, who is the</p>	<p style="text-align: right;">Page 433</p> <p>1 MS. INESTA: Thank you very much. 2 HEARING OFFICER FONG: Off the -- off the record. Thank 3 you. 4 (Off the record at 11:39 a.m.) 5 THE COURT REPORTER: Okay. We're on the record. 6 HEARING OFFICER FONG: From -- yes, I understand you're 7 going to make an offer of proof for each particular witness, 8 Mr. Employer? 9 MR. HART: Mr. Hearing Officer, your video isn't -- isn't 10 rolling. 11 HEARING OFFICER FONG: Oh, thank you for that. Thank you. 12 All right. We'll go ahead -- go ahead, Jeremy. 13 MR. HART: The Employer -- 14 THE COURT REPORTER: Okay. Go ahead. 15 MR. HART: The Employer offers the following offer of 16 proof with regard to Carlisle Michael Bostic. Mr. Bostic is 17 the associate general counsel for Labor Relations for IKEA with 18 responsibility of IKEA's distribution centers across the 19 country, including the Tejon distribution center. 20 Mr. Bostic would testify that he is responsible for labor 21 relations across IKEA's operations. Mr. Bostic would testify 22 that he has been employed in this position for approximately 23 six years. Mr. Bostic has personal knowledge of and would 24 testify about the current framework of the Employer's 25 collective bargaining relationships at its distribution centers</p>
<p style="text-align: right;">Page 432</p> <p>1 third team leader you inte -- you're making available subject 2 to the Hearing Officer's determination if the Hearing Officer 3 will -- will so call that -- that witness? 4 MR. HART: Yes, the team lead -- 5 HEARING OFFICER FONG: Who is their -- their witness? 6 MR. HART: His -- 7 HEARING OFFICER FONG: Sorry? 8 MR. HART: His name is Brad Conradi. He's the team lead 9 for the stock controllers and the recovery coworkers. 10 HEARING OFFICER FONG: Okay. We have -- we have the job 11 definitions for each. We had a lot of testimony from many 12 other different witnesses on their -- on those specifics. But 13 I will make you -- I will let you make an offer of proof on him 14 as well. I mean -- I mean -- I believe I've had -- I believe 15 we have a good -- a good record so far in considering the 16 issues of preclusion and the -- the Petitioner's burden of 17 proof. So with that being said, take ten minutes. We'll come 18 back sharp on -- at 11:40. 19 And I don't expect a lengthy -- I'm not going to allow 20 a -- a -- you know, a super-lengthy offer of proof. So as 21 Nancy said, I will allow a brief -- a brief middle offer of 22 proof. And then -- and then we'll take it from there. Thank 23 you so much. 24 MS. INESTA: Thank you, Mr. Hearing Officer. 25 HEARING OFFICER FONG: We'll see you at 11:40.</p>	<p style="text-align: right;">Page 434</p> <p>1 across the country. 2 Mr. Bostic would testify that distribution centers in 3 Tejon; American Canyon, California; and Baytown, Texas, do not 4 have any collective bargaining relationships. Mr. Bostic would 5 testify about the following collective bargaining relationships 6 at the remaining IKEA distribution centers. 7 In Perryville, Maryland, Mr. Bostic would testify that 8 there is one IAM bargaining unit defined as all full-time and 9 regular part-time warehouse employees known as: battery and 10 maintenance technicians; CDC; inbound; internal hauler; backup 11 internal hauler; maintenance technician; outbound, clock, power 12 equipment technician; preventative maintenance technician; 13 recovery; recycling; stock control; and storage and movement 14 employed by the Employer at the Perryville, Maryland facility; 15 and excluding all salaried office-clerical employees, 16 professional employees, and supervisors under the Act. 17 Mr. Bostic would testify with regard to the bargaining 18 relationship at its Westampton, New Jersey, facility that it is 19 one IAM bargaining unit defined as all full-time and regular 20 part-time warehouse coworkers, internal haulers, maintenance 21 technicians, battery maintenance technicians, preventative 22 maintenance technicians, powered equipment technicians, 23 cleaners, packers, recovery coworkers, cycle counters, repair 24 coworkers, recyclers, stock controllers, auditors, and CDC and 25 SDS administrators employed by the Employer at the Westampton,</p>

<p style="text-align: right;">Page 435</p> <p>1 New Jersey facility, and excluding all salaried office-clerical 2 employees, professional employees, and supervisors as defined 3 in the Act. 4 With regard to the Employer's Savannah, Georgia 5 distribution center, Mr. Bostic would testify that there is one 6 IAM bargaining unit defined as all full-time and regular part- 7 time warehouse and maintenance employees, including ware -- 8 warehouse coworkers, seasonal coworkers, recovery coworkers, 9 maintenance techs, maintenance tech silos, auditors, cleaners, 10 and warehouse administrators employed by the Employer at its 11 Savannah, Georgia facility; and excluding all junior super 12 users, safety and security, quality coordinators, interns, flow 13 planners, office clericals, professional employees, managerial 14 employees, guards, and supervisors as defined in the Act. 15 Mr. Bostic would testify, with regard to the Tacoma, 16 Washington facility, there is only -- 17 HEARING OFFICER FONG: Let me -- let me pause you right 18 there. 19 MR. HART: -- one bargaining unit defined as follows. 20 HEARING OFFICER FONG: Let me pause you right there, 21 Jeremy. 22 MR. HART: All full-time and -- 23 HEARING OFFICER FONG: How many more -- 24 MR. HART: -- regular part-time IKEA's entire -- 25 HEARING OFFICER FONG: Jeremy, let me pause you there.</p>	<p style="text-align: right;">Page 437</p> <p>1 Jeremy, can you hear me? 2 MS. INESTA: We can. 3 MR. HART: Yes. 4 HEARING OFFICER FONG: Okay. 5 THE COURT REPORTER: Could you hear him? 6 HEARING OFFICER FONG: Okay. Did you hear me -- okay. 7 About two minutes ago, I just asked you to pause because I had 8 a question. 9 MS. INESTA: We didn't know that -- 10 MR. HART: I'm sorry. 11 MS. INESTA: -- yours is on. 12 MR. HART: I didn't hear that. 13 MS. INESTA: Your -- 14 HEARING OFFICER FONG: That's fine, okay. But you -- 15 MS. INESTA: (Audio interference). 16 HEARING OFFICER FONG: -- can hear me okay now? 17 MS. INESTA: Yeah. We're just trying not to -- to 18 eliminate the -- the echoes I can -- 19 HEARING OFFICER FONG: Oh, thank you. 20 How many -- I was going to ask you, how many more -- how 21 many more -- I had an exemplary of -- of the job locations on 22 the CBS (phonetic); how many more of those do you have? 23 MR. HART: None. Just ver -- very short finish-up with 24 the -- the Joliet facility that I'm on right now to give some 25 context with regard to the issue raised by the Board yesterday.</p>
<p style="text-align: right;">Page 436</p> <p>1 I'm not -- 2 MR. HART: -- warehouse coworkers, bran -- 3 HEARING OFFICER FONG: Can you hear me? 4 MR. HART: -- forklift drivers, internal haulers, stock 5 cont -- 6 THE COURT REPORTER: Okay, excuse me, Mr. Hart, Ms. Nancy 7 (sic). The Hearing Officer has tried to interrupt. Jeremy, 8 your voice (sic) is moving, but we cannot hear you. 9 HEARING OFFICER FONG: Jeremy, Jeremy -- 10 Nancy, can you tell Jeremy to stop for a second? 11 Claudine, can you hear me okay? 12 MR. WEDEKING: I can hear you. 13 THE COURT REPORTER: I can hear you. 14 HEARING OFFICER FONG: Okay. Nancy, can you hear me? 15 Hold on. 16 MS. INESTA: Let me put my video on, or can -- 17 HEARING OFFICER FONG: Yeah, put your -- 18 MS. INESTA: -- you put your video and wait? 19 HEARING OFFICER FONG: Oh, yes, yes, yes, yes. Hold on, 20 hold on, hold on, hold on. 21 Are they not hearing us? That's weird. 22 MR. HART: Calling back. 23 HEARING OFFICER FONG: Nancy, can you stop? Hold on. 24 Can you guys hear me okay? 25 Hold on.</p>	<p style="text-align: right;">Page 438</p> <p>1 And then this one's done. 2 HEARING OFFICER FONG: Oh, for that witness, you're done? 3 MR. HART: Yes. 4 HEARING OFFICER FONG: All right. Because I was actually 5 going to say, if you've got three or four more, I was going to 6 pause you. But go on, finish up. 7 MR. HART: Mr. Bostic would testify about the history of 8 organizing activity at Joliet, Illinois distribution facility. 9 Specifically, Mr. Bostic would testify that there is only one 10 bargaining unit at -- at the Joliet, Illinois facility, and 11 it's an IAM bargaining unit. The IAM organized Joliet 12 warehouse in May 2019. During negotiations, Mr. Bostic would 13 testify that the IAM indicated that it wanted to include 14 recovery coworkers in the bargaining unit. And the Employer 15 refused to recognize them as a representative absent a secret 16 ballot election. 17 Mr. Bostic would testify that the parties agreed to a 18 third-party non-Board election which was conducted during 19 collective bargaining unit negotiations. Mr. Bostic would 20 testify that the recovery workers voted for IAM representation, 21 and the parties agreed to include them in the bargaining unit 22 with the general warehouse coworkers. Mr. Bostic would testify 23 that near the end of negotiations, the IAM asked IKEA if it 24 would agree to simply add additional classifications, including 25 maintenance coworkers to the bargaining unit, and IKEA refused</p>

<p style="text-align: right;">Page 439</p> <p>1 that since it was the opportunity for a secret-ballot election. 2 Mr. Bostic would testify that in May 2020, the IAM filed 3 an RC petition to represent three maintenance coworkers in 4 Joliet. Mr. Bostic would testify that the IAM was later 5 certified as the bargaining representative of the three 6 maintenance coworkers. And Mr. Bostic would testify that the 7 IAM and IKEA have since agreed to include the maintenance 8 coworkers in the plant-wide bargaining unit because they share 9 community of interest with all other represented employees. 10 Mr. Bostic would testify that as a result, there is only 11 one bargaining unit in Joliet. And the maintenance coworkers 12 are included along with all other production employees, 13 including general warehouse coworkers. 14 HEARING OFFICER FONG: Okay. This -- I'm only saying this 15 for the Petitioner, because he's -- he's not -- he's not -- 16 doesn't have a lot of experience with these proceedings. Thank 17 you for the offer of proof. It's noted on the record the 18 Hearing Officer will not call that witness. His testimony will 19 not be -- 20 So that you know, Mr. Petitioner, this testimony is not 21 going to be -- the offers of proof are not to be relied on for 22 the decision writer. So that -- that -- this is -- it's the 23 Employer's right to make offers of proof for subsequent 24 proceedings reviewed by the Board of the DD&E if he -- if he 25 can go -- if he wants to go that route. He can go that route</p>	<p style="text-align: right;">Page 441</p> <p>1 hourly employees. 2 HEARING OFFICER FONG: Okay. Where were -- I note for -- 3 we have the hearing -- the Hearing Officer has in his 4 discretion and with guidance from the RD determined that 5 seems -- we decided the issue early on. There has been plenty 6 of testimony on -- on the community-of-interest issue. That 7 said, I will allow -- you did say that Mr. Gordon would testify 8 as to how the auditor has a community of interest with other 9 individuals. For that limited purpose, I will have -- I will 10 take testimony from -- from Mr. -- Mr. Gordon. And I 11 anticipated that he -- you know, he might say, you know -- oh, 12 whatever he says. I will allow it, because we have not had 13 testimony on the auditor. So I will allow Mr. Gordon to 14 testify on that partic -- upon my questioning of that 15 particular point. Okay? 16 Next -- next witness? Who do you intend to call? I'm 17 sorry. Who did you intend to make available for the Hearing 18 Officer to call? 19 MR. HART: The Employer would make Brad Conradi available. 20 Mr. Conradi would testify that he's a team leader, responsible 21 for stock controllers and recovery coworkers in the Tejon 22 facility. Mr. Conradi would testify that stock controllers and 23 maintenance technicians use common equipment, including 24 bicycles to acro -- move about the building. 25 Mr. Conradi would testify that if a bicycle or other</p>
<p style="text-align: right;">Page 440</p> <p>1 many different ways. 2 But just know -- and I'm only saying it again -- this for 3 purposes of your -- this particular instance, because you don't 4 know the process. Know that this offer of proof won't be -- 5 won't be applied by the -- by the DD&E. All right. 6 MR. WEDEKING: Regarding that, I don't -- 7 HEARING OFFICER FONG: Thank you for that. 8 MR. WEDEKING: Okay. 9 HEARING OFFICER FONG: You don't need to respond to it, 10 no. 11 MR. WEDEKING: Okay. Very well. 12 HEARING OFFICER FONG: Okay. Go -- Mr. Gordon. Please 13 give me an offer of proof on -- on Mr. Gordon's testimony. 14 MR. HART: The Employer offers the following offer -- 15 offer of proof with regard to Mr. Gordon. The Region requested 16 the testimony of Jermaine Gordon, the site manager, and then 17 changed its mind. Mr. Gordon, if permitted to testify, would 18 be able to testify as to integration of employees at the Tejon 19 facility, including comm supervision; the goals of the 20 enterprise and the degree of interchanging contact of employees 21 in achieving those goals; the use of common areas, common 22 policies, rules, and pay practices for hourly employees. 23 Mr. Gordon could also testify as to the auditor position, 24 including how the auditor shares community of interest with the 25 employees in the petitioned-for unit, as well as other excluded</p>	<p style="text-align: right;">Page 442</p> <p>1 maintenance-handling equipment malfunctions or breaks down in 2 his department, stock controllers on -- or Mr. Conradi himself 3 would contact maintenance technicians over the radio for 4 repairs. Mr. Conradi would testify that such calls for repairs 5 are frequent and regular and involve face-to-face interactions 6 between stock controllers and maintenance technicians. 7 Mr. Conradi would testify that recovery coworkers share 8 the same management as stock controllers. Mr. Conradi would 9 testify that recovery coworkers use certain hand tools in the 10 performance of their duties, including hammers. Mr. Conradi 11 would testify that recovery coworkers interact on a face-to- 12 face basis with maintenance technicians with regard to repairs 13 to equipment in their area, such as tables, box-making 14 machines, and air hoses. Mr. Conradi would testify that stock 15 controllers are going to interact on a daily basis in a face- 16 to-face manner with warehouse coworkers in the performance of 17 their duties. And Mr. Conradi would testify that recovery 18 coworkers interact on a daily basis on a face-to-face -- face- 19 to-face with warehouse coworkers in the performance of their 20 duties. 21 HEARING OFFICER FONG: Thank you so much for that offer of 22 proof. The Hearing Officer, in his discretion, believe -- does 23 not need Mr. Parsi (sic) to testify. The offer of proof, in my 24 view, is duplicative of a lot of testimony from previous 25 witnesses on those aspects. Some of those aspects relay to</p>

<p style="text-align: right;">Page 443</p> <p>1 relationship between warehouse and -- and among -- among job 2 classifications, excluding the maintenance. 3 The testimony -- you testified that -- a offer of proof as 4 to a particular hand tools and hammers. I don't see that as -- 5 as material as in relation to the more complicated skills that 6 have been -- that the record reflects pertain to the 7 technicians. And there's been plenty of testimony as to -- the 8 record is -- it's -- it's -- it's sufficient, in my view, as to 9 prior testimony of job classifications having face-to-face 10 interactions with the maintenance, including anybody having 11 access to the CAFM to -- to make orders. 12 As so noted, thank you for the offer of proof. The 13 Hearing Off -- the Region is not -- doesn't see any additional 14 benefit to the record from the voluntary provided witnesses. 15 But it is -- it is in the record. Thank you so much. 16 That said, let's proceed with Mr. Gordon for the limited 17 purpose of my questioning as to the job classification of 18 auditor. On that note, for the record, has there been any -- 19 any -- there was testimony from Ms. Baker that the position of 20 auditor no longer existed or something to that effect. The 21 record speaks for itself. 22 Mr. Employer Counsel, did you have a chance to -- what's 23 your position on that, based on Baker's testimony and 24 additional discussions you had with the Employer since then on 25 my questioning?</p>	<p style="text-align: right;">Page 445</p> <p>1 the Petitioner's hearing have been specifically done by the 2 Hearing Officer. 3 MR. WEDEKING: Thank you. 4 HEARING OFFICER FONG: Thank you, Mr. Petitioner. 5 Thank you so much. 6 Mr. Gordon, welcome aboard. How are you? 7 MR. GORDON: Good. How are you doing, Randy (sic)? 8 HEARING OFFICER FONG: Thank you. You -- you can address 9 me as Mr. Hearing Officer or -- yes, Mr. Sandoval -- 10 MR. GORDON: Hi, Mr. Sandoval. 11 HEARING OFFICER FONG: And it's Rudy, actually. But thank 12 you -- thank you so much. I appreciate that. 13 Ms. -- the Employer -- we're still on the record. Mr. 14 Employer's Counsel may have mentioned to you -- thank you for 15 making yourself available. There's been a lot of testimony on 16 many aspects of this proceeding. I'm only going to be asking 17 you a very limited aspect regarding the position of the 18 auditor. So notwithstanding -- it's normally for people to 19 prep, notwithstanding what -- what you've been told by 20 Employer's counsel. At this point in time, again don't be 21 surprised, but I'm letting you know I'm only going to be asking 22 you very specific limited questions as to the position of -- of 23 an auditor. Okay? With that said -- 24 MR. GORDON: Okay. 25 HEARING OFFICER FONG: -- can you -- can you --</p>
<p style="text-align: right;">Page 444</p> <p>1 MS. INESTA: It seems that Ms. Baker is -- could be 2 accurate with respect to the role that she -- the auditor 3 position that she was talking about. I don't think she 4 understood the auditor position as it is utilized here at the 5 facility, which is an auditor in the safety department. So the 6 position that Ms. Baker was talking about, we think is separate 7 and distinct. Our understanding is that, with respect to 8 auditor here, Mr. -- Mr. Gordon is going to be able to provide 9 information to show how that indiv -- that individual position 10 is part of the larger safety department here and would be -- 11 would -- would share a community of interest with the other job 12 positions. 13 HEARING OFFICER FONG: All right. Thank you for your 14 position on that. That very well -- it's my determination as 15 to why Gordon's testimony on the auditor would -- would be -- 16 would be adequate to supplement the record. 17 Okay. That said, if you could be so kind to call your 18 next witness, Mr. Gordon. 19 MS. INESTA: We'll get him. Hold on just a moment. 20 MR. WEDEKING: Mr. Hearing Officer, it's your witness. 21 HEARING OFFICER FONG: Thank you -- thank you, sir. This 22 is an unusual situation. Everybody understands. 23 For the record, all my -- all my mentionings about 24 Employer's witnesses, let the record reflect, are mistaken. 25 Every and any witness called since completion of the wit -- of</p>	<p style="text-align: right;">Page 446</p> <p>1 Whereupon, 2 JERMAINE GORDON 3 having been duly sworn, was called as a witness herein and was 4 examined and testified as follows: 5 HEARING OFFICER FONG: Thank you so much. Can you please 6 state your full name for the record? 7 THE WITNESS: Jermaine Gordon. 8 HEARING OFFICER FONG: Thank you. What is your current 9 job title at IKEA? 10 THE WITNESS: Site manager. 11 HEARING OFFICER FONG: How long have you held that posi -- 12 that job title? 13 THE WITNESS: One year. 14 HEARING OFFICER FONG: Okay. Are you -- are you aware of 15 the job classification of an auditor at the Tejon facility? 16 THE WITNESS: Yes. 17 HEARING OFFICER FONG: And who currently holds that 18 position? 19 THE WITNESS: Mayra Rodriguez. 20 HEARING OFFICER FONG: Okay. Can you explain to me the -- 21 what -- what an auditor -- what an auditor does? 22 THE WITNESS: Mayra is part of the -- the safety office. 23 She is in the safety call center. She -- she audits our -- our 24 spreadsheets, our supplies. She works hand over fist with our 25 coworkers on certain things that need to be resolved. And she</p>

<p style="text-align: right;">Page 447</p> <p>1 also is part of a committee that does safety inspections.</p> <p>2 HEARING OFFICER FONG: The -- is -- the -- is she assigned</p> <p>3 to a particular office at the location?</p> <p>4 THE WITNESS: Yes, she is assigned to the safety office?</p> <p>5 HEARING OFFICER FONG: And where -- what building is the</p> <p>6 safety office?</p> <p>7 THE WITNESS: That is located in the main building.</p> <p>8 HEARING OFFICER FONG: Okay. And who else -- who else --</p> <p>9 who else has access to the safety office in terms of the team,</p> <p>10 management team?</p> <p>11 THE WITNESS: The entire safety department, myself, as</p> <p>12 well as other members of steering (phonetic).</p> <p>13 HEARING OFFICER FONG: Regarding to the general hourly</p> <p>14 staff, do any of those -- does the general hourly staff have</p> <p>15 access to the safety office?</p> <p>16 THE WITNESS: No, they do not.</p> <p>17 HEARING OFFICER FONG: How much -- how much of her -- on</p> <p>18 average, how much of the auditor's time is spent in -- out in</p> <p>19 the trenches, so to speak, like on the -- on the -- in the</p> <p>20 particular buildings where the general hourly population works?</p> <p>21 THE WITNESS: I'm sorry, can you repeat that? I --</p> <p>22 HEARING OFFICER FONG: Yes. What percentage of the</p> <p>23 auditor's time is spent out in the work -- in the work areas?</p> <p>24 THE WITNESS: I would expect -- you know, I -- I'm not</p> <p>25 sure how much of her time is spent out in the work areas. You</p>	<p style="text-align: right;">Page 449</p> <p>1 if so, how would that interaction -- what would that consist</p> <p>2 of?</p> <p>3 THE WITNESS: Okay. Same type of scenario. Stock</p> <p>4 controller's -- is not that much different from a P10 person.</p> <p>5 You know, that would probably more -- be more of an interaction</p> <p>6 in the racks where someone is looking at the merchandise inside</p> <p>7 of a certain location. It could be a possibility that the</p> <p>8 pallet is damaged and it could be a safety issue. And she's</p> <p>9 around taking the pictures and making sure that we can remove</p> <p>10 the product safely and -- and -- and take it to -- and travel</p> <p>11 to the destination of the P10 area.</p> <p>12 HEARING OFFICER FONG: On this particular example you just</p> <p>13 gave me, how is it that she would end up at this particular</p> <p>14 area; meaning, what you just said? And I'm sorry, you said</p> <p>15 that -- is there a work request that would mandate that she</p> <p>16 show up at that location or would she just be there on an</p> <p>17 average day working her things that she would interact with a</p> <p>18 stock controller?</p> <p>19 THE WITNESS: It could be either/or. It could be a</p> <p>20 request or, you know, something that was seen and it was placed</p> <p>21 as -- as an order to go check it out.</p> <p>22 HEARING OFFICER FONG: Okay. Does she have any direction</p> <p>23 with the general warehouse -- warehouse person?</p> <p>24 THE WITNESS: Absolutely.</p> <p>25 HEARING OFFICER FONG: How so?</p>
<p style="text-align: right;">Page 448</p> <p>1 know, that is her department manager who makes sure of that,</p> <p>2 you know, but I expect her -- for her to spend some time out</p> <p>3 there with the coworkers to make everything -- make sure</p> <p>4 everything is -- is moving and, you know, everybody's tasks are</p> <p>5 being completed.</p> <p>6 HEARING OFFICER FONG: What interaction would an auditor</p> <p>7 have with an internal hauler, if you know?</p> <p>8 THE WITNESS: Yeah. I would say -- I'm not sure about</p> <p>9 that. I don't think there is any direct communications with an</p> <p>10 internal hauler, but I might -- not sure.</p> <p>11 HEARING OFFICER FONG: Okay, that's fine. What about, do</p> <p>12 you know what -- are you in a position to say whether you've</p> <p>13 seen her interact with a recovery coworker in her position as</p> <p>14 an auditor?</p> <p>15 THE WITNESS: Absolutely.</p> <p>16 HEARING OFFICER FONG: Oh, well, how so? Elaborate a</p> <p>17 little bit on that.</p> <p>18 THE WITNESS: Well, you know, when she's out there doing</p> <p>19 an audit, as far as anything that's tied to safety, someone on</p> <p>20 P10 could be on the dock and they're having communications</p> <p>21 about the situation, some pallets that's probably damaged and</p> <p>22 they're doing audit on things of -- of that magnitude.</p> <p>23 HEARING OFFICER FONG: Okay. What about getting</p> <p>24 direction, can you tell -- elaborate a little bit, if any, or</p> <p>25 do you know about an interaction with a stock controller? And</p>	<p style="text-align: right;">Page 450</p> <p>1 THE WITNESS: Well, she's the safety auditor, so if she's</p> <p>2 out in the warehouse doing auditing, we have coworkers that's</p> <p>3 in different functions and different houses, and they're --</p> <p>4 they're constantly interacting with each other up on the</p> <p>5 floor, as well as --</p> <p>6 HEARING OFFICER FONG: Like -- okay. "Constantly</p> <p>7 interacting"; explain that, please. How are they constantly</p> <p>8 interacting? Doing what?</p> <p>9 THE WITNESS: So they're -- they're probably talking</p> <p>10 about, you know, the merchandise, what was -- what was damaged</p> <p>11 as far as, you know, she -- she'll be on the floor talking to a</p> <p>12 coworker about --</p> <p>13 HEARING OFFICER FONG: And I'm not -- specifically to</p> <p>14 general -- I'm sorry, I don't mean to cut you off. I'm talking</p> <p>15 about specifically to a general warehouse person.</p> <p>16 THE WITNESS: You're talking about a general coworker,</p> <p>17 right?</p> <p>18 HEARING OFFICER FONG: No, no, general warehouse</p> <p>19 coworkers. Specifically to a warehouse coworker.</p> <p>20 THE WITNESS: Yeah, it's the same thing. She could be,</p> <p>21 you know, doing her daily routine and the warehouse coworker is</p> <p>22 on their forklift or, you know, riding by on a -- on a piece of</p> <p>23 equipment and, you know, it could be in the same location as</p> <p>24 Mayra, and they're talking about what's going on in that</p> <p>25 certain area regarding the movement of freight.</p>

<p style="text-align: right;">Page 451</p> <p>1 HEARING OFFICER FONG: I see, I see, I see. I see. So as 2 an auditor, she's -- she -- part of her responsibility would 3 include specifically addressing a warehouse coworker for 4 purposes of merchandise? 5 THE WITNESS: Safety, anything that's tied to safety. If 6 there's something wrong with that merchandise and that 7 merchandise needed to be pulled out of a location and if the -- 8 the coworker is right there talking to Mayra about it, she 9 would be the one that, you know, call P10 or whoever is around 10 to get that merchandise removed from a safety standpoint. 11 Maybe a pallet tipped over, a coworker sees Mayra out there, 12 and they're, "Hey, Mayra. This pallet is tipped over. There's 13 a tipped pallet in certain locations. Can you call someone to 14 get this pallet removed?" Those are the type of interactions 15 that she would have with a general warehouse coworker. 16 HEARING OFFICER FONG: Okay. Do you know if the auditor 17 has any interaction with the main people from the maintenance 18 department? 19 THE WITNESS: You know what? I'm quite sure they do. 20 It's interchangeable through all our -- through all our 21 departments. You know -- 22 HEARING OFFICER FONG: Do you know of any specifics? 23 THE WITNESS: I don't know of any specifics at the moment, 24 no. 25 HEARING OFFICER FONG: Do you know if there's anything in</p>	<p style="text-align: right;">Page 453</p> <p>1 We appreciate your time, Mr. Gordon. You have a wonderful 2 rest of your day and a wonderful weekend. 3 THE WITNESS: Okay, thank you. 4 HEARING OFFICER FONG: You are excused. Thank you so 5 much. 6 THE WITNESS: Thank you, sir. 7 HEARING OFFICER FONG: Okay. All right. I believe that 8 makes it for the presentation of evidence. Mr. Petitioner, do 9 you have anything -- anybody else that -- that you feel that 10 you need to call? 11 MR. WEDEKING: No, I do not. 12 HEARING OFFICER FONG: The -- that position of the Hearing 13 Officer is, likewise, that there's nobody else that I need to 14 call. 15 With that said, we're going into the -- now we'll enter 16 into the final stages of this hearing. I am going to go ahead 17 and ask for final positions of the Petitioner and make some 18 final notifications to all the parties, including as well the 19 area -- the aspect that I've asked before in terms of the 20 details of a manual election. And I'll get to that 21 momentarily. 22 And so my -- it's in the record. Again, I repeat the 23 issue of this hearing, whether a community of interest exists 24 for the petitioned-for unit. 25 Mr. Petitioner, can you again repeat, for the record, has</p>
<p style="text-align: right;">Page 452</p> <p>1 the maintenance department that she has to audit? If you know. 2 THE WITNESS: I don't know. I am not sure about that. 3 HEARING OFFICER FONG: Okay. We do have the job 4 classification of the auditor on the call as well, so that 5 helps. And as your testimony has helped as well, Mr. Gordon. 6 I have nothing further. 7 Mr. Petitioner -- I'm going to turn you over to the 8 Petitioner, he may have some follow-up questions. And 9 subsequent, I may have something to follow up, but we'll see. 10 DIRECT EXAMINATION 11 Q BY MR. WEDEKING: Hey, boss, how are you doing? 12 A Good. Yourself? 13 Q I'm doing okay. Thank you. Do you know if any other 14 departments use CAFM besides maintenance? 15 MR. GORDON: Outside the scope. 16 HEARING OFFICER FONG: Overruled. 17 MR. WEDEKING: Thank you. 18 A No, I'm not -- 19 Q BY MR. WEDEKING: Okay. So Mr. Gordon, what's your hire 20 date? 21 A August 29th, 2019. 22 Q Okay. So yeah, you're -- 23 MR. WEDEKING: You know what, I'm done, Mr. Hearing 24 Officer. 25 MR. WEDEKING: Thank you, Mr. Petitioner.</p>	<p style="text-align: right;">Page 454</p> <p>1 your position changed from the earlier stated position as to 2 who -- which -- as to which unit specification you will be okay 3 with, were those to be determined by the Regional Director to 4 be appropriate of the issuance to your proposed units? 5 MR. WEDEKING: My position on that has not changed. 6 HEARING OFFICER FONG: Okay. And I take it, to summarize 7 again, correct me if I'm wrong, it's your position that the 8 only -- the only additional job specifications you will proceed 9 with were those to be determined to be included in the unit, 10 would be the positions of a cleaner and an internal hauler; is 11 that so? 12 MR. WEDEKING: That is so. 13 HEARING OFFICER FONG: And by that, an extension of that 14 means that we're -- the outside for the additional positions of 15 recovery coworker, stock controller, and warehouse coworker. 16 If those were added in -- if any of those three were determined 17 to be included, you will not proceed; is that correct? 18 MR. WEDEKING: That is correct. 19 HEARING OFFICER FONG: And same position for the auditor? 20 MR. WEDEKING: That is correct. 21 HEARING OFFICER FONG: All right. I repeat that the -- 22 because of the previous stated Board rules and regulations, the 23 Employer has been precluded from providing the legal evidence 24 and what have you, except what I stated earlier. That said, 25 the Employer has made some offers of proof, which are on the</p>

<p style="text-align: right;">Page 455</p> <p>1 record. It will be the objective of the decision writer to 2 determine based on the testimony provided that -- whether a 3 community of interest exists.</p> <p>4 At this point in time, I -- I am -- I'm moving to the 5 election details. The record reflects that the Petitioner has 6 indicated that they are -- they are amenable to a mail ballot 7 election; however, where a mail -- or where a manual onsite -- 8 not onsite, but where a manual ballot election to be directed 9 in that scenario.</p> <p>10 I noted, Mr. Petitioner, that in your -- in your petition, 11 you had indicated times for, I believe, 5 a.m. to 1:30 p.m. 12 Are those times correct?</p> <p>13 MR. WEDEKING: You're talking about if it was going to be 14 a manual in-person ballot, correct?</p> <p>15 HEARING OFFICER FONG: Yes, manual in-person. Yes.</p> <p>16 MR. WEDEKING: I think that -- I -- if I did, I mis -- I 17 mis -- I was incorrect. There are three shifts and I would -- 18 I would like to somehow be able to get the other shifts to vote 19 that wasn't part of first shift. So maybe -- it's --</p> <p>20 HEARING OFFICER FONG: What times would you propose would 21 work?</p> <p>22 MR. WEDEKING: How about between around -- between -- the 23 second shift, maybe, noon and -- noon and 4. If that would be 24 okay?</p> <p>25 HEARING OFFICER FONG: And then so you know -- so that you</p>	<p style="text-align: right;">Page 457</p> <p>1 HEARING OFFICER FONG: Okay.</p> <p>2 MR. WEDEKING: And for third shift, 11 p.m. to 2 a.m.</p> <p>3 HEARING OFFICER FONG: Okay. So notwithstanding what you 4 said earlier, your final proposed times for a -- for a manual, 5 so to speak, onsite election would be 9 a.m. to 11 p.m. (sic), 6 5 p.m. to 8 p.m., and 11 p.m. to 2 a.m.</p> <p>7 All right. And I also failed to raise --</p> <p>8 MR. WEDEKING: It was 5 a -- if I said p.m., I misspoke. 9 It's 5 a.m. to 8 a.m. No, you're right. You're -- that's what 10 I said, that's correct.</p> <p>11 HEARING OFFICER FONG: Yeah, these -- yeah, yeah. It's 5 12 p.m. Yeah, 9 a.m. to 11 -- to 11 a.m., that covers the 13 morning. 5 p.m. to 8 p.m., that covers the midshaft. And 11 14 p.m. to 2 p.m. -- to 2 a.m. would cover the late shift.</p> <p>15 MR. WEDEKING: Correct, thank you.</p> <p>16 HEARING OFFICER FONG: Subject to Employer's details as 17 well.</p> <p>18 I'd like to add, for the record, that you know, if an 19 election is directed, it would be set at the earliest possible 20 times by the Regional Director. All -- also, if an election is 21 directed, does anybody who's entitled to receive the voter list 22 who wish to waive the ten-day portion requirement before an 23 election. That normally applies to you, Mr. Petitioner. And 24 that applies to, you know, if the Director wanted to -- wanted 25 to schedule an earlier election date. Sometimes the Director</p>
<p style="text-align: right;">Page 456</p> <p>1 know, it would be normal to have, like, a -- like, a three-hour 2 span --</p> <p>3 MR. WEDEKING: Okay.</p> <p>4 HEARING OFFICER FONG: -- a two-hour span between shifts 5 for -- you know, for the -- yeah, for this size of a unit, 6 actually whether it goes up to 400, I think it would be okay to 7 have, like, a three-hour span between shifts.</p> <p>8 MR. WEDEKING: Yeah, okay.</p> <p>9 HEARING OFFICER FONG: So with that noted, what times do 10 you propose again?</p> <p>11 MR. WEDEKING: Between -- between 1 and 3.</p> <p>12 HEARING OFFICER FONG: Will you say a.m. and p.m.?</p> <p>13 MR. WEDEKING: Yeah. 1 -- 1 p.m. and 4 p.m.</p> <p>14 HEARING OFFICER FONG: That'll be one voting time, okay. 15 What additional times do you propose?</p> <p>16 MR. WEDEKING: Around -- 6 to -- let me deal with some 17 math here. 6 to 9 p.m. 6 p.m. to 9 p.m.</p> <p>18 HEARING OFFICER FONG: Okay. What about the early morning 19 shift; what time do you propose for that?</p> <p>20 MR. WEDEKING: So when -- when I said from 1 to -- 1 to 4, 21 that's a little bit of both shifts, so if I can get a little 22 bit for each shift, that'd be great. So for first shift, 23 between -- between 9 and 11 a.m. 9 a.m. to 11 a.m. And 24 between -- for second shift, between 5 and 8 p -- 5 p.m. to 8 25 p.m. And for third shift --</p>	<p style="text-align: right;">Page 458</p> <p>1 has to wait ten days for -- from receipt of the voter list 2 given to you to the day of the election. Sometimes petitioners 3 waive that ten days to have an earlier election.</p> <p>4 So with that understanding, would you be willing to waive 5 the ten day or you want to just keep the ten days from receipt 6 of the voter list?</p> <p>7 MR. WEDEKING: I would be willing to waive it.</p> <p>8 HEARING OFFICER FONG: You're willing to waive it, all 9 right. Thank you.</p> <p>10 And moving onto the Employer's counsel. Can you please, 11 Employer, give some details as to what you propose for a manual 12 election, the details for those to be?</p> <p>13 MS. INESTA: Mr. Hearing Officer, we actually put pretty 14 detailed information in our statement of position; however, we 15 do, of course, reserve the right to make a different request 16 and -- to the extent that the unit that is deemed appropriate 17 is different from the petition for a unit.</p> <p>18 HEARING OFFICER FONG: Okay. So your position is the same 19 that's noted in the position statement?</p> <p>20 MS. INESTA: Yes.</p> <p>21 HEARING OFFICER FONG: All right. And I understand, for 22 that purpose, the information is substantively allowed.</p> <p>23 All right. Can -- can the Employer please address the -- 24 you can do it now or you can do it in briefs. I'm going to 25 have more questions for you when you let me know. At least the</p>

<p style="text-align: right;">Page 459</p> <p>1 fourth one, I'm going to pressure and insist that I get 2 information on the record. But the first three are ideally -- 3 I like them -- I like -- your position, you can state it now, 4 but you do have the option of submitting that, you know, post- 5 hearing briefs. 6 Number one, can you please state whether the -- you 7 believe that a manual election can be safely held at the 8 facility? What is your position on that? 9 MS. INESTA: We do believe that a manual election can be 10 safely conducted at the facility. As to the remaining two 11 questions, 2 and 3, we respectfully will decline to put a 12 position on the record at this time and would prefer to have -- 13 to be able to brief it. 14 HEARING OFFICER FONG: On this -- and as to number 3, 15 please address the GC memorandum number 2010 in your brief, 16 okay? 17 MS. INESTA: Yes. 18 HEARING OFFICER FONG: Otherwise, the -- if it's not 19 properly addressed, be advised that the RD may consider a mail 20 ballot election to be -- to be proper in this situation, again, 21 subject to all the -- the information you will provide. 22 At this point in time, can you please tell -- tell the -- 23 explain to -- address the number of employees who have, within 24 the last three months, tested positive at this facility? Do 25 you have that information?</p>	<p style="text-align: right;">Page 461</p> <p>1 HEARING OFFICER FONG: All right. Thank you for that. 2 And I sent -- I sent four -- the same four questions to you as 3 to counsel addressing the propriety of the manual election 4 versus a -- a mail ballot election. So if you want to submit a 5 brief or discuss it on the record, you can do -- if you want to 6 submit a brief on that, you can. If you want to discuss it on 7 the record, would you like to do so now? 8 MR. WEDEKING: Are you referring to location that the 9 manual ballot would be having per your email that you -- 10 HEARING OFFICER FONG: Yes. 11 MR. WEDEKING: Yes. 12 HEARING OFFICER FONG: Yeah, yeah. 13 MR. WEDEKING: I do believe that the greenhouse room would 14 be acceptable. It's a room that's 10 -- 15 by 20. It's fairly 15 large. It has two entrance -- two sets of doors, one entrance 16 and one out. I believe that that room would be acceptable if 17 we did do a manual ballot. 18 HEARING OFFICER FONG: All right. Thank you. Okay, one 19 second. Let me see if there's some pointers here that I have. 20 All right. Does any party anticipate the need for -- for 21 the notices of election where want to be -- were we -- were the 22 RD to go on the route? Has anyone anticipated the notice for 23 election in that scenario for -- to be -- for them to be 24 translated into a different language? 25 Petitioner?</p>
<p style="text-align: right;">Page 460</p> <p>1 MR. WEDEKING: Yes, since August 1st of this year, there 2 have been 13. 3 HEARING OFFICER FONG: Okay. Thank you so much. How 4 about the number of employees who have exhibited the symptoms 5 of COVID-19? 6 MR. WEDEKING: I -- we don't have -- we don't have that 7 information. We have the positive tests. 8 HEARING OFFICER FONG: Okay. Okay. Do you have -- would 9 you have the information as to any employees who were subject 10 to a quarantine for any reason related to COVID-19, including 11 but not limited to being in direct contact with someone who 12 tested positive or exhibited symptoms of the virus? You 13 tried -- that information and the -- in the -- and so do you 14 have it with you? 15 MR. WEDEKING: We -- we don't have that information. We 16 have -- we -- we have the positive test numbers that you 17 requested. 18 MR. WEDEKING: All right. Thank you for that. Subject to 19 the additional information and will provide it at the -- in 20 your post-hearing brief. 21 Mr. Petitioner, do you believe that a manual election 22 could be safely at the -- at the job facility? 23 MR. WEDEKING: Yes, the facility is probably the safest 24 place if you're trying to stay away from COVID. It's very -- 25 it's very much acceptable.</p>	<p style="text-align: right;">Page 462</p> <p>1 MR. WEDEKING: I do believe Spanish would be acceptable to 2 the applicable. 3 HEARING OFFICER FONG: Employer's counsel? 4 MR. HART: We agree. Spanish. 5 HEARING OFFICER FONG: All right. Thank you. And 6 approximately, Mr. Petitioner, what percentage of the voting 7 group -- this is a tough question because we don't know the 8 voting group -- do you anticipate to -- to need, you know, 9 Spanish translation? 10 MR. WEDEKING: For the petitioned-for a unit, 115 of 11 the -- I could think of one employee of the petitioned-for a 12 unit that would greatly appreciate the Spanish version. 13 HEARING OFFICER FONG: Let's go -- let's -- let's go the 14 other -- the opposite side of the spectrum where everyone to be 15 included. Approximately what percentage you think would -- 16 would speak Spanish? 17 MR. WEDEKING: Five percent, ten percent. Ten percent. 18 HEARING OFFICER FONG: Employer's counsel, same question. 19 On those -- on those ballots and in the general wider unit, 20 were that to be decided, what percentage do you think speaks 21 Spanish? 22 MS. INESTA: We're not really sure, but -- in terms of 23 Spanish speakers, but we do -- we would prefer to have them in 24 both in -- we'll probably take both in English and in Spanish, 25 I think. Yeah.</p>

<p style="text-align: right;">Page 463</p> <p>1 HEARING OFFICER FONG: All right. Thank you so much.</p> <p>2 MS. INESTA: Some feel more comfortable reading it --</p> <p>3 reading these notices in Spanish.</p> <p>4 HEARING OFFICER FONG: I understand. Thank you for that.</p> <p>5 At this point in time, Mr. Employer's Counsel, can you</p> <p>6 provide, again, were -- were the Regional Director to go on</p> <p>7 that route and decide that an election is -- it's -- is</p> <p>8 necessary for this, can you provide us with the name, address,</p> <p>9 email, fax, and number for the Employer's onsite representative</p> <p>10 who did the right to transmit notices of elections? Again, if</p> <p>11 an election is going to be directed.</p> <p>12 MS. INESTA: Is that for us?</p> <p>13 HEARING OFFICER FONG: Yes, Employer's counsel.</p> <p>14 MS. INESTA: That would be directed to Employer's counsel,</p> <p>15 please.</p> <p>16 HEARING OFFICER FONG: Okay. We actually need an onsite</p> <p>17 representative. I don't know if you -- if you guys have had</p> <p>18 prac -- past practice with election agreements. We actually</p> <p>19 need a --</p> <p>20 MS. INESTA: Yeah, we'll send it to -- you could also</p> <p>21 direct it to Jermaine Gordon.</p> <p>22 HEARING OFFICER FONG: And that -- okay, Jermaine Gordon.</p> <p>23 And may I have a phone number and -- and can you -- the phone</p> <p>24 number for him where he can be reached?</p> <p>25 MR. HART: Yeah, he's identified in the statement of</p>	<p style="text-align: right;">Page 465</p> <p>1 HEARING OFFICER FONG: Thank you.</p> <p>2 Because of -- normally, any party deciding to submit</p> <p>3 briefs to the Regional Director shall be entitled to do so</p> <p>4 within five business days after the close of hearing. Copies</p> <p>5 of the briefs shall be served on all of the parties to the</p> <p>6 proceedings and a statement of such service shall be filed with</p> <p>7 the Regional Director together with the brief. No reply briefs</p> <p>8 may be filed, except upon special permission of the Regional</p> <p>9 Director.</p> <p>10 However, in this particular scenario, because of the issue</p> <p>11 of preclusion, the -- the Employer is not entitled to submit</p> <p>12 any brief on the substantive matter of community of interest.</p> <p>13 That said, these prior communications, I indicated to the</p> <p>14 parties that the Region was of the opinion that there might be</p> <p>15 two applicable standards to Petitioner's burden of proof, one</p> <p>16 being under PP -- PCC structure or structures are supposed to</p> <p>17 be standard community of interest for prior communications.</p> <p>18 The Employer will be allowed, if it so wishes, to -- to brief</p> <p>19 that particular legal issue and none -- none other.</p> <p>20 As such noted, Mr. Employee's Counsel, are you interested</p> <p>21 in so submitting said brief on that issue?</p> <p>22 MS. INESTA: Yes, we are.</p> <p>23 HEARING OFFICER FONG: Thank you.</p> <p>24 Mr. Petitioner, you are also allowed to submit a post-</p> <p>25 hearing brief on the issue of community of interest. If -- if</p>
<p style="text-align: right;">Page 464</p> <p>1 position. It's 661-858-0345.</p> <p>2 HEARING OFFICER FONG: Okay. Thank you for that. He is</p> <p>3 identified in the statement of position?</p> <p>4 MR. HART: Yes.</p> <p>5 HEARING OFFICER FONG: And that address -- his address is</p> <p>6 noted in there as well?</p> <p>7 MR. HART: Correct.</p> <p>8 HEARING OFFICER FONG: All right. Thank you so much.</p> <p>9 All right. The Regional Director will issue a decision in</p> <p>10 this matter as soon as practical and will immediately transmit</p> <p>11 the document to the parties and the designated representatives</p> <p>12 by email, facsimile, or by overnight mail if neither an email</p> <p>13 address nor facsimile number is provided.</p> <p>14 Prior to the hearing, the parties were provided with Form</p> <p>15 NLRB 5580, which is a description of the voter list</p> <p>16 requirements after hearing a certification -- decertification</p> <p>17 cases, which explains the Employer's obligation to furnish a</p> <p>18 voter list should an election be directed in this matter. That</p> <p>19 document is also included in Board Exhibit Number 1.</p> <p>20 Any party is entitled, upon request, to a reasonable</p> <p>21 period of time -- excuse me, the Petitioner is entitled to a --</p> <p>22 an oral argument if such is requested.</p> <p>23 Are you -- do you wish to give a closing argument at this</p> <p>24 point in time, Mr. Petitioner?</p> <p>25 MR. WEDEKING: I do not. I'm good.</p>	<p style="text-align: right;">Page 466</p> <p>1 you do so wish to submit one, it will be due five business days</p> <p>2 from -- from closing of the hearing today, which is the same</p> <p>3 day for the Employer's brief on that particular legal issue,</p> <p>4 that being end of business a week from today, which makes it</p> <p>5 next Friday, the 23rd, okay? And those need to be filed and</p> <p>6 comport with the NLRB's filing procedures.</p> <p>7 MR. WEDEKING: Mr. Hearing Officer, do I -- do I also -- I</p> <p>8 don't need to submit my briefing with anybody but -- but to --</p> <p>9 to the Labor Board, right?</p> <p>10 HEARING OFFICER FONG: No, you need -- you need to -- you</p> <p>11 need -- you need to also -- copies of your briefs are to be</p> <p>12 served on all other parties, meaning the Employer's counsel.</p> <p>13 And you should also submit a statement of service that you, in</p> <p>14 fact, have submitted the briefs to Employer's counsel to the</p> <p>15 Regional Director. And you need to do that by way of e-filing.</p> <p>16 So you do need to serve that on your -- on all other parties,</p> <p>17 which in this case would be the, in my interpretation of the</p> <p>18 rules, Employer's counsel. Okay?</p> <p>19 MR. WEDEKING: Thank you.</p> <p>20 HEARING OFFICER FONG: All right. The parties are</p> <p>21 reminded that pursuant to Section 102.5 on the Boar -- of the</p> <p>22 Board's rules and regulations with another cases -- another</p> <p>23 case document must be filed by electronic means through the</p> <p>24 agency website of NLRB.gov. Only if the party filing the</p> <p>25 document does not have access to the means for filing</p>

<p style="text-align: right;">Page 467</p> <p>1 electronically or filing electronically would impose an undue 2 burden. Briefs or all the documents filed by means other e- 3 filing must be accompanied by a statement explaining why the 4 filing party does not have access to the means of filing 5 electronically or filing electronically would impose an undue 6 burden. 7 Filing of a -- filing a brief or other documents 8 electronically may be accomplished by using the e-filing system 9 on the agency website at NLRB.gov. When the website is 10 accessed, click on "E-file documents", enter this NLRB case 11 number, and follow the detailed instructions. 12 The responsibility for the receipt of the document rests 13 exclusively with the sender. A failure to timely file the 14 brief will not be excused on the basis that the transmission 15 could not be accomplished because the agency was offline or 16 unavailable for some other reason absent a determination of 17 technical failure of the site with notice of such posted on the 18 website. 19 Before closing the record, Madam Court Reporter, I think 20 it's -- you know, I do -- I do have a note that I need to 21 introduce Board Exhibit 12. At this point in time, let me go 22 ahead and introduce Board Exhibit 12. Can you remind me what 23 the -- I have -- I have Board Exhibit 12, but I lost track. If 24 you can, Madam Court Reporter, can you remind me what Board 25 Exhibit 12 is?</p>	<p style="text-align: right;">Page 469</p> <p>1 court reporter. I do remind the parties, however, on that 2 note, that I -- if you wish to request an expedited copy of the 3 transcript, you should do so from the court reporter. And 4 again, we'll stay -- we'll stay -- we'll go off the record, but 5 we'll stay -- we'll stay on Zoom so the Employer's counsel can 6 work out the details with the court reporter. 7 MS. INESTA: Thank you very much. 8 HEARING OFFICER FONG: Anything -- sure. 9 Anything additional from the Petitioner that needs to be 10 addressed that has not already been done so? Okay. 11 MR. WEDEKING: I do not. 12 HEARING OFFICER FONG: Go ahead. Nothing -- anything 13 additional, Petitioner? 14 MR. WEDEKING: I do not. 15 HEARING OFFICER FONG: Okay. Thank you so much. 16 At this point, I want to extend my gratitude and thanks to 17 all the parties in this proceeding: Nancy, Jeremy, Mr. 18 Petitioner, Madam Court Reporter. I appreciate your 19 cooperation in this during these most unique times and days in 20 our -- in our lives with this pandemic. So I appreciate your 21 continued cooperation and logistical skills in navigating the 22 Zoom meeting. 23 If there's nothing further, I will go ahead and close the 24 hearing. 25 Thank you so much, Madam Court Reporter. Let's be off the</p>
<p style="text-align: right;">Page 468</p> <p>1 THE COURT REPORTER: 12 was that formally introduced 2 Petitioner's 3, the hand-marked one? 3 HEARING OFFICER FONG: Yes. I'm sorry, are there any 4 outstanding Board exhibits that need to be introduced? Yeah, 5 let me start with the Board exhibits and then I'll into 6 Petitioner's. And I apologize for this. Are there any Board 7 exhibits that -- that need to be formally introduced? 8 THE COURT REPORTER: I have everything for Board 1 through 9 14, Petitioner 1 through 6. All of those were marked -- 10 HEARING OFFICER LONG: Right. 11 THE COURT REPORTER: -- and received. 12 HEARING OFFICER FONG: Okay, good. Good, good, good, 13 good, good. Okay. 14 (Board Exhibit Number 12 Received into Evidence) 15 HEARING OFFICER FONG: All right. Can you be so kind, Ms. 16 Court Reporter, to give us an approximate number of pages of 17 the transcript up to now? And take your time on that. 18 THE COURT REPORTER: I'll say anywhere between 450 to 500. 19 HEARING OFFICER FONG: All right. At this point in time, 20 Mr. Employer's counsel, do you have anything additional that 21 you want to -- you wish to -- to note for the record? 22 MS. INESTA: No, except that we do -- would like to order 23 a copy of the transcript. 24 HEARING OFFICER FONG: Okay. I'm going to have the 25 parties, when we go off the record, make arrangement with the</p>	<p style="text-align: right;">Page 470</p> <p>1 record. 2 (Whereupon, the hearing in the above-entitled matter was closed 3 at 1:00 p.m.) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

C E R T I F I C A T I O N

1
2 This is to certify that the attached proceedings before the
3 National Labor Relations Board (NLRB), Region 31, Case Number
4 31-RC-266527, IKEA Distribution Services, Inc. and United
5 Maintenance Technicians of Tejon, at the National Labor
6 Relations Board, 11500 West Olympic Boulevard, Suite 600, Los
7 Angeles, California 90064, on October 16, 2020, at 9:23 a.m.
8 was held according to the record, and that this is the
9 original, complete, and true and accurate transcript that has
10 been compared to the reporting or recording, accomplished at
11 the hearing, that the exhibit files have been checked for
12 completeness and no exhibits received in evidence or in the
13 rejected exhibit files are missing.

14
15
16 

17
18 CLAUDINE METOYER

19
20
21
22
23
24
25 Official Reporter