

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.  
  
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\_\_\_\_\_

Place: Los Angeles, California (via Zoom Videoconference)

Dates: October 14, 2020

Pages: 1 through 198

Volume: 1

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UNITED STATES OF AMERICA  
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.

The above-entitled matter came on for hearing, via Zoom  
Videoconference pursuant to notice, before RUDY L. FONG  
SANDOVAL, Hearing Officer, at the National Labor Relations  
Board, Region 31, 11500 West Olympic Boulevard, Suite 600, Los  
Angeles, California 90064, on Wednesday, October 14, 2020, 9:09  
a.m.

<p style="text-align: center;">Page 2</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>1 On behalf of the Employer:</p> <p>2 JERIMIAH L. HART, ESQ.</p> <p>3 NANCY INESTA, ESQ.</p> <p>4 MIKE J. ASENSIO, ESQ.</p> <p>5 BAKER &amp; HOSTETLER LLP</p> <p>6 200 Civic Center Drive</p> <p>7 Suite 1200</p> <p>8 Columbus, OH 43215</p> <p>9 Tel. (614)462-5127</p> <p>10 Fax. (614)462-2616</p> <p>11 JERMAINE GORDON, D.C. MANAGER</p> <p>12 IKEA DISTRIBUTION SERVICES, INC.</p> <p>13 4104 Industrial Parkway Drive</p> <p>14 Lebec, CA 93243</p> <p>15 Tel. (661)858-0345</p> <p>16 On behalf of the Petitioner:</p> <p>17 MICHAEL PAUL WEDEKING</p> <p>18 UNITED MAINTENANCE TECHNICIANS OF TEJON</p> <p>19 11124 Grand Prairie Drive</p> <p>20 Bakersfield, CA 93311</p> <p>21 Tel. (661)319-9736</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: center;">Page 4</p> <p style="text-align: center;">E X H I B I T S</p> <table border="1"> <thead> <tr> <th style="width: 60%;">EXHIBIT</th> <th style="width: 20%;">IDENTIFIED</th> <th style="width: 20%;">IN EVIDENCE</th> </tr> </thead> <tbody> <tr> <td>1 Board:</td> <td></td> <td></td> </tr> <tr> <td>2 B-1(a)</td> <td>6</td> <td>23</td> </tr> <tr> <td>3 B-1(b)</td> <td>6</td> <td>21</td> </tr> <tr> <td>4 B-1(c)</td> <td>6</td> <td>22</td> </tr> <tr> <td>5 B-1(d)</td> <td>6</td> <td>7</td> </tr> <tr> <td>6 B-1(e)</td> <td>6</td> <td>7</td> </tr> <tr> <td>7 B-1(f)</td> <td>6</td> <td>7</td> </tr> <tr> <td>8 B-1(g)</td> <td>6</td> <td>7</td> </tr> <tr> <td>9 B-2</td> <td>7</td> <td>8</td> </tr> <tr> <td>10 B-3</td> <td>143</td> <td>Not Admitted</td> </tr> <tr> <td>11 Petitioner:</td> <td></td> <td></td> </tr> <tr> <td>12 P-2</td> <td>95</td> <td>Not Admitted</td> </tr> <tr> <td>13 P-3</td> <td>100</td> <td>Not Admitted</td> </tr> <tr> <td>14 P-4</td> <td>102</td> <td>Not Admitted</td> </tr> <tr> <td>15 P-1</td> <td>127</td> <td>129</td> </tr> <tr> <td>16 P-5</td> <td>169</td> <td>180</td> </tr> <tr> <td>17</td> <td></td> <td></td> </tr> <tr> <td>18</td> <td></td> <td></td> </tr> <tr> <td>19</td> <td></td> <td></td> </tr> <tr> <td>20</td> <td></td> <td></td> </tr> <tr> <td>21</td> <td></td> <td></td> </tr> <tr> <td>22</td> <td></td> <td></td> </tr> <tr> <td>23</td> <td></td> <td></td> </tr> <tr> <td>24</td> <td></td> <td></td> </tr> <tr> <td>25</td> <td></td> <td></td> </tr> </tbody> </table>	EXHIBIT	IDENTIFIED	IN EVIDENCE	1 Board:			2 B-1(a)	6	23	3 B-1(b)	6	21	4 B-1(c)	6	22	5 B-1(d)	6	7	6 B-1(e)	6	7	7 B-1(f)	6	7	8 B-1(g)	6	7	9 B-2	7	8	10 B-3	143	Not Admitted	11 Petitioner:			12 P-2	95	Not Admitted	13 P-3	100	Not Admitted	14 P-4	102	Not Admitted	15 P-1	127	129	16 P-5	169	180	17			18			19			20			21			22			23			24			25																																																																																
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1 counsel please state their appearances for the record?  
 2 MR. HART: Jeremy Hart for the Employer.  
 3 MS. INESTA: I'm Nancy Inesta for the Employer.  
 4 HEARING OFFICER FONG: And can you please give us just --  
 5 Mrs. Nancy, can you give us your firm's name and address?  
 6 Actually, just the name.  
 7 MS. INESTA: Baker Hostetler.  
 8 HEARING OFFICER FONG: Thank you. Are there any other  
 9 appearances? I take it there are no formal appearances from  
 10 anybody else. So let the record so reflect.  
 11 Are there any other persons, parties, or labor  
 12 organizations in the hearing besides the Petitioner, obviously,  
 13 who currently is virtual in the meeting, who claim an interest  
 14 in these proceedings? I'm pretty certain there is none, so  
 15 I'll let the record reflect no other labor organizations have  
 16 claimed an interest in this proceeding.  
 17 At this point in time, I now propose to receive the formal  
 18 papers. They have been marked for identification as Board  
 19 Exhibit 1(a) through 1(g) inclusive, 1(g) being an index and  
 20 description of the entire exhibit. The exhibit has been  
 21 already emailed and shown to all the parties.  
 22 Are there any objections to the receipt of this  
 23 Exhibit Number 1 into the record?  
 24 Employer's counsel?  
 25 MS. INESTA: No objections.

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1 HEARING OFFICER FONG: Mr. Petitioner?  
 2 MR. WEDEKING: No.  
 3 HEARING OFFICER FONG: Thank you.  
 4 At the issue of intervention, are there any motions to  
 5 intervene in these proceedings to be submitted to the Hearing  
 6 Officer?  
 7 I take it no more insp -- interventions. So let the record  
 8 reflect no responses to that.  
 9 Next in order, I'm going to move on to Board Exhibit 2.  
 10 The parties to these proceedings have executed -- with my  
 11 assistance, they have -- have executed a document which is  
 12 marked as -- let me backtrack.  
 13 Ms. Madam -- Ms. Madam Court Reporter, I'll move to  
 14 introduce Board Exhibit Number 1 into the record --  
 15 THE COURT REPORTER: Thank you.  
 16 HEARING OFFICER FONG: -- having heard no objections.  
 17 Okay.  
 18 (Board Exhibit Numbers B-1(a) through 1(g) Received into  
 19 Evidence)  
 20 HEARING OFFICER FONG: Back to Board Exhibit 2. Again,  
 21 with my assistance, the parties have executed a document marked  
 22 as Board Exhibit Number 2. That exhibit contains a series of  
 23 stipulations, including, among others, no disputed issues such  
 24 as the Petitioner being not an organization within the meaning  
 25 of the Act, there's no contract bar to these proceedings,

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1 the -- the Employer's jurisdictional standards. And I  
 2 believe -- and this -- well, the exhibit speaks for itself.  
 3 Any objections to the receipt -- to the introduction and  
 4 receipt of Board Exhibit 2?  
 5 Employer's counsel?  
 6 MS. INESTA: No objection.  
 7 HEARING OFFICER FONG: Mr. Petitioner?  
 8 MR. WEDEKING: No.  
 9 HEARING OFFICER FONG: Thank you.  
 10 So noted. Hearing no objections, Board Exhibit 2 is  
 11 received into evidence.  
 12 (Board Exhibit Number B-2 Received into Evidence)  
 13 HEARING OFFICER FONG: Cases pending in -- cases pending in  
 14 other regions.  
 15 Employer's counsel, do you know if there's any petitions  
 16 pending in other regional offices involving other facilities of  
 17 the Employer, petitions?  
 18 MR. HART: We are aware of none.  
 19 HEARING OFFICER FONG: Okay. Petitioner, are you aware of  
 20 any?  
 21 MR. WEDEKING: No, I am not.  
 22 HEARING OFFICER FONG: Thank you.  
 23 The parties are reminded that prior to the close of the  
 24 hearing, the Hearing Officer will solicit the parties' position  
 25 on election details, including the type, whether mail, manual

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1 or partial mail/manual, best days of the week, times, and  
 2 locations for conducting an election, any dates in which an  
 3 election could not occur, including the reason, where and how  
 4 to conduct a count of ballots, the eligibility period, most  
 5 recent payroll ending date, frequency of pay periods. But I  
 6 will not permit litigation of the logistics of the election.  
 7 The Hearing Officer will also inquire as to the need for  
 8 foreign language ballots and notices of election and the  
 9 proposed number of observers for each party at each voting  
 10 period. And I would also ask for information about COVID  
 11 issues at the plant. So please have that relevant information  
 12 with you towards the end of the hearing. And as -- again, I  
 13 will ask of such from each party then.  
 14 The parties have been advised that the hearing will  
 15 continue from day to day, as necessary, until completed unless  
 16 the Regional Director concludes that extraordinary  
 17 circumstances warrant otherwise.  
 18 The parties are also advised that upon request, any party  
 19 is entitled to a reasonable period at the close of the hearing  
 20 for oral argument, if they so desire, which shall include --  
 21 which shall be included in the transcript of the hearing.  
 22 Any party desiring to submit a brief to the Regional  
 23 Director shall be entitled to do so within five business days  
 24 after the close of hearing. I will provide further  
 25 instructions as to what to be included at the -- in those

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1 briefs pending completion of the record through the day, and I  
 2 will note it as such prior to the closing of the hearing, and I  
 3 will revisit the issue.  
 4 At this point in time, I'd like to note for the record the  
 5 purpose of this hearing is the issue of community of -- of  
 6 interest. I note for the record that -- and I will note before  
 7 we start the proposed bar -- petition for a unit, and I will  
 8 briefly touch upon additional employees that are excluded by  
 9 the petitioned-for unit.  
 10 I note for the record that it is the Petitioner's burden to  
 11 prove community of interest in accordance with the -- in  
 12 accordance with the -- in accordance with the Board's decision  
 13 in PCC Structurals, Inc., 365 NLRB No. 160. As such, the  
 14 Petitioner bears the burden of providing -- or establishing  
 15 that the petitioned-for unit is a readily identifiable group  
 16 that shares a community of interest that is sufficiently  
 17 distinct from those employees that it seeks to exclude.  
 18 In a very brief hearing conference call and also, more  
 19 accurately, previous emails to the parties, the Region has  
 20 notified that there might be additional -- that there might be  
 21 an additional -- the standard community of interest might also  
 22 apply. I will revisit this issue towards the end. But in  
 23 briefs, I'll -- I probably -- well, the Region will allow the  
 24 parties to -- to brief whether PCC Structurals applies or  
 25 whether the more standard community-of-interest issue applies.

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1 And I will revisit that toward the end.  
 2 The -- I'd note for the record per the Board -- per the  
 3 Board's rulings and regulations, the Employ -- at Sections  
 4 102.63(b)(1)(ii) and double -- (i), (ii), and (iii), the  
 5 Employer submitted a position statement. That's included in  
 6 Exhibit 1. Unfortunately, the -- that Employer's position  
 7 statement did not conform to said Board rules and regulations.  
 8 Therefore, pursuant to Section 102.66(d) from the Board's rules  
 9 and regulations, the Employer is precluded from raising any  
 10 issue, presenting any evidence relating to any issue, cross-  
 11 examining any witnesses concerning any issue, and presenting  
 12 argument concerning any issue where the party failed to  
 13 properly raise said issue in its statement of position, as so  
 14 noted happened here.  
 15 As such, in view of Section 102.666 -- excuse me --  
 16 102.66(d), the Regional Director has instructed me as the  
 17 Hearing Officer to refuse to take any evidence or allow  
 18 argument from the Employer on any matter whatsoever.  
 19 At this point in time, I understand the Employer's counsel  
 20 is prepared to make a motion for reconsideration of this  
 21 particular preclusion issue.  
 22 MR. HART: Thank you, Mr. Hearing Officer.  
 23 At this time, the Employer moves that the Regional Director  
 24 reconsider her pre-hearing decision to preclude the Employer  
 25 from presenting evidence, cross-examining the witnesses, or

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1 arguing any issue with regard to the appropriateness of the  
 2 petitioned-for unit in this matter. And we would request that  
 3 the Regional Director permit the Employer to present evidence  
 4 through its witnesses, to question its witnesses, and to cross-  
 5 examine witnesses presented by the Petitioner in this matter.  
 6 HEARING OFFICER FONG: Do you have -- do you have any  
 7 additional -- anything additional by way of case law or  
 8 additional argumentation for me to consider and take to the RD,  
 9 or is that -- or is this sufficient, what you have stated?  
 10 MR. HART: Yeah, I could -- I can go ahead and fully  
 11 explain the motion now, if that's appropriate, for the record.  
 12 Precluding IKEA or the Employer from presenting evidence  
 13 denies IKEA due process and prevents the Region from fulfilling  
 14 its obligations under Section 9(b) of the Act. Section 9(b) of  
 15 the Act requires the Board, quote, "in each case to decide the  
 16 appropriateness of the proposed bargaining unit so as to assure  
 17 employees of both freedom and exercising protected rights."  
 18 The Region's duty is affirmative and mandated by the Act  
 19 and exists apart from any rules and regulations or statement of  
 20 position filing deadlines, so much so that the Region may  
 21 disregard a late-filed statement of position and direct the  
 22 noncompliant party to submit evidence in furtherance of the  
 23 Board's 9(b) statutory mandate. In fact, 29 CFR 102.66, which  
 24 you previously cited, is clear, and it states the Regional  
 25 Director may -- quote, "may direct the receipt of evidence

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1 concerning any issue, such as the appropriateness of the  
 2 proposed unit, as to which the Regional Director determines the  
 3 record evidence is necessary."  
 4 Member Ms. Camara (phonetic throughout) explained, citing  
 5 IGT Global Solutions, that noncompliance with the statement of  
 6 position requirement does not, quote,  
 7 "Limit the Regional Director's discretion to direct  
 8 the receipt of evidence concerning any issue, such as  
 9 the appropriateness of the proposed unit, as to which  
 10 the Regional Director determines the record evidence  
 11 is necessary."  
 12 Here, the Union has petitioned for a unit that is not  
 13 presumptively appropriate. In order to determine whether the  
 14 petitioned-for unit is appropriate, the Region needs evidence  
 15 from the Employer in order to fulfill its 9(b) statutory  
 16 obligation.  
 17 I -- the Employer is in the best position to present the  
 18 facts necessary for the Region to determine whether a community  
 19 of interest exists, and whether the petitioned-for unit is, in  
 20 fact, appropriate. While the Region may be able to ask  
 21 questions about the operation, it lacks the institutional  
 22 knowledge of the Employer's operation to make -- needed to make  
 23 a fully informed determination. By precluding the Employer  
 24 from presenting evidence, the Region has chosen form over  
 25 substance, an approach that limits its ability to carry out the

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1 Board's statutory obligations.

2 This is, in fact, contrary to the logic set out in

3 Brunswick Bowling Products. In that case, the Board found that

4 it was appropriate for the Regional Director to receive

5 evidence from noncompliant parties to make determinations

6 relevant regarding relevant issues even if those determinations

7 favor the party that failed to comply with the statement of

8 position requirement set forth in the Board's election rule.

9 That holding Ms. -- member Ms. Camara explained was, quote,

10 "rightly placing substance over form." Relying on Section

11 102.66(b) of the Board's rules and regulations, the Board there

12 held that,

13 "It's clear from the context of the provision within

14 the structure of the Act and rules, including Section

15 102.66(b), which authorizes the Regional Director to

16 direct the receipt of evidence concerning any issue

17 as to which she determines that record evidence is

18 necessary, even if the parties have not taken adverse

19 positions on that issue."

20 Because the Union petitioned for a group of employees that

21 is not presumptively appropriate, evidence must be presented

22 even if the Employer has not taken an adverse position.

23 Section 9(b) makes clear that the Region has a statutory

24 obligation to investigate these issues prior to allowing any

25 election to proceed. Here, the employee is in possession of

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1 the information -- the Employer, rather, is in possession of

2 the information necessary to make that unit determination

3 issue -- or determination iss -- determination. Without that

4 evidence, the Region cannot fully effectuate its statutory

5 mandate and determine whether the petitioned-for unit is

6 appropriate.

7 The Employer is not asking the Region to do anything it

8 does not have the authority or the discretion to do and has not

9 done before. The Region has authority and discretion to allow

10 the Employer to present evidence in this fact-finding hearing.

11 And the Employer is aware of other instances where regions have

12 utilized this discretion and allowed the employer in those

13 cases to present evidence on the appropriateness of the

14 petitioned-for unit, notwithstanding even longer delays in the

15 service and statement of position.

16 This is an investigative and fact-finding hearing. The

17 Region's interest and responsibility is to determine the facts,

18 not to rely on rules that preclude the party with the greatest

19 knowledge from participating. Additionally, precluding the

20 Employer from presenting evidence denies -- at the pre-election

21 hearing denies IKEA due process and imposes an unduly harsh

22 penalty that is arbitrary and capricious.

23 The purpose of the filing deadline is not to punish parties

24 for slight delays, but to prevent undue gamesmanship by

25 employers with malicious intent. Implemented in the 2014

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1 election rule changes, in 79 FR 74307, the nonpetitioning party

2 was required to file a statement of position by noon the day

3 before the pre-election hearing. Under the old rules, a few

4 hours may have mattered. However, that's no longer the case.

5 Under the 2019 revisions to the Board's election rules, the

6 statement of position is no longer filed at noon the day before

7 the pre-election hearing; instead, the statement of position is

8 filed six days before the hearing.

9 The Union here received a statement of position even

10 further in advance, more than seven days before the pre-

11 election hearing. Additionally, the Union representative was

12 not prejudiced in any way by the late receipt of the Employer's

13 statement of position. Additionally, any notion of prejudice

14 is dispelled by the Petitioner filing its responsive statement

15 of position a day prior to its deadline. There was no

16 malicious intent by the Employer. The Union has not been

17 unfairly prejudiced in any way by a slight delay in receipt of

18 the statement -- the Employer's statement of position.

19 To preclude the Employer's participation in a fact-finding

20 proceeding where it is in position -- possession of the

21 relevant evidence that may lead to the fundamental alteration

22 of its facility over a delay of under two hours is unduly harsh

23 and violates our due process.

24 Accordingly, despite the slight nonprejudicial delay in the

25 service of the statement of position, the Employer objects to

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1 the Region's preclusion of it from presenting evidence as to

2 unit determination matters raised in its statements of

3 position. In doing so, the Union -- or the Region has denied

4 the Employer due process and prejudices both the Employer and

5 the Region's obligations under a statutory -- under the

6 statute. Placing form over substance in this way is

7 inappropriate.

8 For the legitimacy of these proceedings, the Employer

9 requests that the Region reconsider its decision and permit the

10 Employer to present evidence through its witnesses and cross-

11 examine the witnesses presented by the Petitioner.

12 HEARING OFFICER FONG: Thank you, Employer's counsel.

13 Mr. Petitioner, I understand that -- your position on that.

14 I believe it has been represented in your reply statement of

15 position. Do you have anything additional to say beyond what's

16 already said there?

17 MR. WEDEKING: Just that it wasn't just the statement of

18 position that was late. There was -- the posting of the notice

19 of election was also not timely, as well as -- if the burden of

20 proof is on the Petitioner, then it's my understanding that the

21 Employer really doesn't need to do anything because the burden

22 of proof's on me. So -- so I have to prove the case. So they

23 can still technically win even without saying anything.

24 HEARING OFFICER FONG: Okay. Anything -- is that all?

25 MR. WEDEKING: Just that there's also timely deadlines that

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1 the Petitioner had to make. And the very first one, I had --  
 2 there's plenty of timely things the Petitioner had to do and  
 3 was able to do. Somewhere in the paperwork that -- that the  
 4 NLRB gave me, it says multiple times there's a deadline and the  
 5 consequences for it for both parties.  
 6 HEARING OFFICER FONG: Thank you so much. So noted.  
 7 Okay. At this point in time, I need to confer with the RD  
 8 on the Employer's motion for reconsideration. So momentarily,  
 9 I'm going -- I'm going to go off the record and take 15 -- 15  
 10 to -- 20 to 30 minutes. Let's say 20 minutes, and then I'll  
 11 send -- at 20 minutes, I'll email everyone to see if we need  
 12 additional time.  
 13 Before doing that, though, I just -- for -- again, for  
 14 everyone's convenience regarding the logistics and -- of -- of  
 15 the hearing, I was -- I wanted to speak to the basis a little  
 16 bit on one of the Petitioner's exhibits so that perhaps, during  
 17 this break, I can get the Petitioner to explain a bit more what  
 18 that exhibit entails, and we will assist it down the line in  
 19 the record. And by that, I'm referring to --  
 20 Let's -- let's go off the record for now and have the  
 21 discussion on (sic) the record because it's just for -- just a  
 22 matter of logistical purposes.  
 23 So Madam Court Reporter, let's go off the record for now.  
 24 (Off the record at 9:32 a.m.)  
 25 HEARING OFFICER FONG: Okay. We are -- we're back on the

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1 record for the Region to have -- reconsider the -- the  
 2 Employer's motion for reconsideration.  
 3 I discussed it at length with both the RD and the ARD. We  
 4 further examined Brunswick, and she fully -- I explained to her  
 5 the due process known for additional arguments and the  
 6 remaining arguments made by the Employer's counsel.  
 7 The RD's decision -- unfortunately for the Employer, she is  
 8 not persuaded, and she's again re-reviewing the Brunswick  
 9 decision. She is reaffirming her -- her prior determination  
 10 that preclusion applies. And as such, she is rejecting the --  
 11 the date the Employer sought for approve.  
 12 MR. HART: Mr. Hearing Officer, at this point, we'd like to  
 13 put a continuing objection on the record to -- to that ruling.  
 14 HEARING OFFICER FONG: So noted. So noted.  
 15 MR. HART: Okay.  
 16 HEARING OFFICER FONG: That's in the record. Yes. All  
 17 right.  
 18 At this point in time, I'm going to move forward on  
 19 explaining the petitioned-for unit as requested by the -- by  
 20 the Petitioner.  
 21 We had some -- at the pre-election conference, there was  
 22 agreement from both parties that there was -- there's three job  
 23 classifications requested by the Petitioner: maintenance  
 24 technicians, power equipment technicians, and preventative  
 25 maintenance technicians. There was agreement in off-the-record

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1 discussions from both parties that the third job description,  
 2 preventative maintenance technicians, have been discontinued  
 3 and is -- there's no -- it is no longer being used at the  
 4 facility.  
 5 As such, Mr. Petitioner, I understand that you're moving  
 6 forward with the petitioned-for unit being the maintenance  
 7 technicians and power equipment technicians; is that correct?  
 8 MR. WEDEKING: Yes.  
 9 HEARING OFFICER FONG: Thank you.  
 10 So again, for the record, the petitioned-for unit is all --  
 11 it will read as, "All full-time and regular part-time  
 12 maintenance technicians and power equipment technicians  
 13 employed at the Employer's facility at issue."  
 14 Is that correct, Petitioner?  
 15 MR. WEDEKING: That is correct.  
 16 HEARING OFFICER FONG: Thank you.  
 17 The exclusion will read as Employer -- as employees who are  
 18 to be excluded. Per Board standard language, it will read,  
 19 "all" -- again, the employees to be excluded to be, "All other  
 20 hourly employees" -- "all other employees". Strike that again.  
 21 "All other employees: office clericals, professional  
 22 employees, guards, manager, managerial employees, and  
 23 supervisors as defined by the Act."  
 24 Is that so, Mr. Petitioner?  
 25 MR. WEDEKING: That is correct.

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1 HEARING OFFICER FONG: Thank you.  
 2 At this point in time, I would also like to note for the  
 3 record that the Employer submitted a position statement.  
 4 Again, that is included in Exhibit 1. But again, due to the  
 5 preclusion issues, unless otherwise specifically detailed by  
 6 me -- I just want to get this by the Petitioner -- that the  
 7 substance of that position statement will not be -- it -- it  
 8 won't be considered in the record.  
 9 At this point in time, though, we have noted that there was  
 10 an attachment B to the Employer's position statement, which is  
 11 the -- which lists the 15 -- which lists 15 current employees  
 12 that -- with their names and shifts that hold the petitioned-  
 13 for job positions of maintenance technicians and power  
 14 equipment technicians. Again, that's attachment B.  
 15 I understand, Mr. Petitioner, that -- I would like to  
 16 introduce -- I would like to give that -- for the record, note  
 17 that Exhibit (sic) C will be admitted into the record for  
 18 substantive purposes. And we have no objection to having that  
 19 exhibit be to position -- to Employer's position statement so  
 20 admitted, Mr. Petitioner?  
 21 MR. WEDEKING: Yeah, no objection.  
 22 HEARING OFFICER FONG: All right.  
 23 (Board Exhibit Number 1(b) Received into Evidence)  
 24 HEARING OFFICER FONG: Likewise, the Employer's position  
 25 statement had an attachment C, which was entitled, "Employees

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1 to be added to the petitioned-for unit." Obviously, that  
 2 sentence will be -- will be stricken, but the -- regardless of  
 3 that, attachment C includes what we understand to be the  
 4 additional -- in addition to the petitioned-for unit --  
 5 THE COURT REPORTER: Mr. Hearing Officer --  
 6 HEARING OFFICER FONG: -- an additional 404 employees that  
 7 exist at the --  
 8 Yes?  
 9 THE COURT REPORTER: You were breaking in and out.  
 10 HEARING OFFICER FONG: Okay. We'll go back on. Thank you  
 11 for that.  
 12 We're leaving Exhibit B (sic) to the Employer's position  
 13 statement, so that's been admitted for substantive purposes.  
 14 Attachment C to the Employer's position statement as well  
 15 includes the denomination of an additional -- it's broken down  
 16 by job classification, the number of employees in each  
 17 classification. I understand as well that it will be helpful  
 18 for the record to have attachment C be given -- be admitted  
 19 into the record for substantive purposes.  
 20 And I understand there's no objection from Petitioner?  
 21 MR. WEDEKING: No objection.  
 22 HEARING OFFICER FONG: No objection from Petitioner. As  
 23 such, attachment C will be named -- so noted, and it's  
 24 introduced into the record.  
 25 (Board Exhibit Number 1(c) Received into Evidence)

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1 HEARING OFFICER FONG: In addition, the Petitioner  
 2 submitted a reply statement of its position. I note that that  
 3 is included in Exhibit 1, and that is included for whatever  
 4 evidentiary value it's worth. And the -- it's noted in  
 5 Exhibit 1(a).  
 6 (Board Exhibit Number 1(a) Received into Evidence)  
 7 HEARING OFFICER FONG: Next in order, I had would like to  
 8 visit some additional points for the petitioned-for unit were  
 9 the Regional Director were to determine that additional  
 10 employees listed on its attachment C should be included in the  
 11 petitioned-for unit.  
 12 At this point in time, Mr. Petitioner, I'm going to ask you  
 13 a few questions, preliminary questions subject to find your  
 14 final position toward the end of this proceeding.  
 15 I understand that were the Regional Director to include the  
 16 additional job classification of cleaners, that you -- you  
 17 would still like to proceed with an election if the cleaners  
 18 were included as an -- were determined to be properly included  
 19 in your petitioned-for unit. Is that right, Mr. Petitioner?  
 20 MR. WEDEKING: If the Regional Director found that the --  
 21 the cleaners would make the unit appropriate, then we would --  
 22 we would accept them.  
 23 HEARING OFFICER FONG: Okay. And you won't proceed for a  
 24 new -- you'd be okay proceeding with an election as such?  
 25 MR. WEDEKING: Yes.

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1 HEARING OFFICER FONG: Okay. What about the same question  
 2 for the internal hauler? There's -- I see there's nine of  
 3 those in the Exhibit C. The same question for internal hauler.  
 4 Were the Regional Director to determine that those should be  
 5 included, are you willing to proceed for an election?  
 6 MR. WEDEKING: Yes. If the Regional Director found that  
 7 made the unit appropriate as well, we would.  
 8 HEARING OFFICER FONG: Okay. Next in order -- and I'm  
 9 skipping the auditor. I'll leave that toward the end. I see  
 10 that Exhibit C lists then recovery coworkers. Same question.  
 11 Will you be willing to proceed to an election if the RD  
 12 determined recovery workers to be included in the petitioned-  
 13 for unit?  
 14 MR. WEDEKING: We would not.  
 15 HEARING OFFICER FONG: You would not. Okay. So you will  
 16 not proceed. How about for the stock controllers, the same  
 17 question, will you be willing to proceed to an election?  
 18 MR. WEDEKING: We would not.  
 19 HEARING OFFICER FONG: You would not. Okay. Same question  
 20 for the auditor.  
 21 MR. WEDEKING: We would not.  
 22 HEARING OFFICER FONG: All right. And then the last  
 23 question, same question, would you be willing to proceed to an  
 24 election if the RD determined the warehouse coworkers to be  
 25 included in the petitioned-for unit?

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1 MR. WEDEKING: We would not.  
 2 HEARING OFFICER FONG: All right. Thank you. All right.  
 3 The -- the base on the --  
 4 THE COURT REPORTER: Mr. Hearing Officer, sorry. I didn't  
 5 hear anything.  
 6 HEARING OFFICER FONG: -- election --  
 7 THE COURT REPORTER: Could anybody else hear him?  
 8 MR. HART: We can't hear you, Mr. Hearing Officer.  
 9 UNIDENTIFIED SPEAKER: I didn't hear -- I didn't hear the  
 10 last minute of the --  
 11 HEARING OFFICER FONG: Okay. Thank you for that.  
 12 And I was saying that the Board standard eligibility  
 13 formula for voting would be applied to this petition, and  
 14 again, full time, part time. This is not such a consumption  
 15 industry employer, so the Board standard eligibility voting  
 16 rules would apply.  
 17 I do hear a funny echo. I don't know if anybody else does,  
 18 so -- but it comes and goes. We'll do the best we can.  
 19 Okay. All right. Moving on to the presentation of  
 20 evidence, again, we have noted the Petitioner's responsibility  
 21 to establish community of interest for the petitioned-for unit.  
 22 At this point in time, I'd like to start the presentation of  
 23 evidence.  
 24 Mr. Petitioner, let's go ahead and get started. Would you  
 25 like to present your first witness, and we can hear some

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1 testimony on him?

2 MR. WEDEKING: Yes.

3 HEARING OFFICER FONG: Okay. Can you state for the record

4 who your next witness will be?

5 MR. WEDEKING: It will be --

6 HEARING OFFICER FONG: Your first witness. I'm sorry.

7 MR. WEDEKING: My first witness will be Nahin Alberto.

8 HEARING OFFICER FONG: Okay. Can you -- Nahin --

9 Mr. Alberto, can you go ahead and start your video feed?

10 MR. ALBERTO: Yeah, of course.

11 Thank you so much for making yourself available.

12 This is a nonadversarial hearing. It's just a fact-finding

13 hearing. I want you to be at ease. Please just -- because

14 there a court reporter, just ensure that -- let the Petitioner

15 ask the questions before you answer. I don't anticipate any

16 objections. If there were some objections, just wait until I

17 make a ruling.

18 And again, I told the parties that the decision writer will

19 give the evidence its proper weight. I will try to -- I will

20 try myself to clean up if there's a need for cleanup. Let's

21 try to keep this factual as opposed to conclusory. We'll go

22 along as -- explain those if need be.

23 But again, this is a nonadversarial hearing. Wait for the

24 questions to be ans -- wait for the question to finish before

25 you answer. And I will -- we'll move forward as best we can.

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1 This is not a perfect proceeding. We're doing a virtual

2 meeting. So we'll -- we'll do the best we can. We're going

3 to --

4 THE COURT REPORTER: Mr. Hearing Officer, we lost you

5 again.

6 MR. ALBERTO: You cut off about 30 seconds ago.

7 HEARING OFFICER FONG: Mr. Petitioner, go ahead, please.

8 Okay. I think I'm back on.

9 Let me swear you -- I was saying that this is a nonadversarial

10 hearing. Let me go ahead and swear you in, Mr. Alberto. Raise

11 your right hand.

12 Whereupon,

13 NAHIN ALBERTO

14 having been duly sworn, was called as a witness herein and was

15 examined and testified as follows:

16 HEARING OFFICER FONG: Mr. Petitioner, he's all yours.

17 DIRECT EXAMINATION

18 **Q BY MR. WEDEKING: Nahin --**

19 HEARING OFFICER FONG: Go ahead, Mr. Petitioner.

20 MR. WEDEKING: You're muted. If you wanted to object, I

21 don't know if you can. But you're muted.

22 **Q BY MR. WEDEKING: Nahin, will you state your name and the**

23 **title of your job position?**

24 A Yeah. My name is Nahin Alberto. I'm a maintenance

25 technician at IKEA Distribution Center in Lebec, California.

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1 **Q How long have you worked there?**

2 A A little bit over three years.

3 **Q What prior experience in maintenance have you had before**

4 **coming to IKEA?**

5 A Using -- using power tools, hand tools, troubleshooting,

6 mechanical, mechanical troubleshooting, installation of various

7 motors, lawn motors, electrical troubleshooting.

8 **Q You know what? Just what's your typical day like? What's**

9 **your typical shift like?**

10 A Clock in --

11 **Q What time do you clock -- I'm sorry to interrupt. What --**

12 **which -- what work -- what shift do you work?**

13 A I work second shift. I clock in at 1:00. I get to the

14 maintenance shop, have a talk with my team leader about some

15 tasks that need to be addressed immediately. If none, I go on

16 CAFM application and see if there's any work orders in my box,

17 jobs to perform for the day that need to be addressed, and kind

18 of determine the priority of them.

19 And then usually, if I don't have anything or if I'm

20 assigned to our automation system, then -- which most of the

21 time I'm, in charge of, then I will head -- head down that way

22 and then see if there's any immediate tasks that need to be

23 addressed for the day such as downed equipment that has -- that

24 is out of service that can be repaired, jams that need to be

25 addressed so that our product can flow and regular coworkers --

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1 or warehouse -- warehouse coworkers can pick product and then

2 get the product out to -- to the customer. And then just

3 monitor the system to keep the flow going and keep the product

4 moving.

5 **Q Now, you said you walk in -- or you clock in, and then you**

6 **walk to the maintenance shop. How long of a walk is that? How**

7 **long does that take you?**

8 A Five minutes.

9 **Q Five minutes to walk from where you clock in to -- to the**

10 **maintenance shop?**

11 A Yes.

12 **Q Describe the maintenance shop.**

13 A The maintenance shop has cabinets wherein -- where we hold

14 our -- our replacement parts for conveyors, automation system.

15 We have a table. We have a couple of vice. We have vice on

16 the tables, two vices. We have the team leader's office right

17 next to it. Three client computers. We have ladders in the

18 area. We have --

19 **Q The team leader office, that's in the maintenance shop --**

20 **A Yes.**

21 **Q -- area?**

22 **A Yes.**

23 **Q Where do the other team leaders for the other departments**

24 **have their office?**

25 **A At the -- in the main administration area in the north of**

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1 the building, building 1.

2 **Q So you work second shift. What time did you say second --**

3 **your shift starts?**

4 A 1 to 9:30.

5 **Q What time does second-shift operations start?**

6 HEARING OFFICER FONG: I'm sorry. 1 p.m. to 9:30 p.m.?

7 THE WITNESS: Yes. 1 p.m. to 9:30 p.m.

8 A Second-shift operations, they start at 3 p.m. And then

9 also CDC operations starts at 2 p.m. I don't -- I don't --

10 I -- I'm not sure what time they get out because sometimes I

11 work overtime and spe -- I'm not sure. The time that they get

12 out varies, because I'm not sure --

13 **Q BY MR. WEDEKING: But your start time in maintenance**

14 **second shift is different from the other departments' start**

15 **times, correct?**

16 A That's correct.

17 **Q The tool bag, IKEA's -- can you describe what tools you're**

18 **issued, the tools for you -- your job specifically just from --**

19 A Screwdrivers, wrenches, sockets, various types -- types of

20 pliers.

21 **Q Where do you keep that tool bag when you're not -- when**

22 **you're not at work?**

23 A My locker room (sic) at the maintenance shop.

24 **Q In the maintenance shop?**

25 A Uh-huh.

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1 **Q Where do generally the warehouse coworkers have their**

2 **lockers?**

3 A In the main administration building, building 1.

4 HEARING OFFICER FONG: Mr. Petitioner, can you ask him

5 basically how many different buildings there are? I just hope

6 that -- that would help.

7 MR. WEDEKING: Sure.

8 **Q BY MR. WEDEKING: Nahin, describe the layout as**

9 **warehouse -- or describe the warehouse.**

10 A So -- so walking in, to the north side is building 1. To

11 the -- which is -- and then you walk out. And then that's

12 where the first -- building 1 also has racking where we have

13 store product. To the east of that, the next building over

14 will be building 2. To the east of --

15 **Q But they're under the same roof? Building 1 and building**

16 **2 are under the same roof?**

17 A Yeah. Yeah. Yes, they are.

18 **Q Okay.**

19 A Yes. They're -- they're just separated by fire -- by fire

20 doors.

21 **Q Okay. So you can -- you can go from 1 to 2 without having**

22 **to go outside?**

23 A That's correct.

24 **Q Okay.**

25 A So to the east of -- of building 1 is building 2. To the

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1 east of building 2 is building 3. And that's where the -- the

2 building ends on the east end. To the west of building 1 is

3 building 4. To the wes -- to the west of building 4 is

4 building 5. To the west of building 5 is building 6. And

5 that's where the -- that's where it ends.

6 MR. WEDEKING: Mr. Hearing Officer, can I show Nahin one of

7 the exhibits -- the -- specifically the one that we were

8 talking about, the --

9 HEARING OFFICER FONG: Yes. Is that Petitioner's 3?

10 MR. WEDEKING: Yes.

11 HEARING OFFICER FONG: Yes.

12 MR. WEDEKING: So I'd just like to preface this. Just

13 is -- give me one second.

14 HEARING OFFICER FONG: Mr. Petitioner, is Petitioner's 3,

15 is that a formal document that was issued? I mean, is that

16 something that was given. Did you create that document or is

17 that something created by IKEA and --

18 MR. WEDEKING: And so it -- it's -- it was on the IKEA

19 common public hard -- public drive of IKEA, but it is something

20 I obtained from --

21 HEARING OFFICER FONG: That's okay. I just kind of wanted

22 to make sure -- I just want to know if it's something you

23 created or it was something -- like you said, something that

24 came from IKEA, like something that IKEA created, right, as a

25 work product.

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1 MR. WEDEKING: It is -- it is an IKEA document, but the

2 markings on it are from me.

3 HEARING OFFICER FONG: Okay. I get it. I get it. And you

4 say you got this from -- well, what is this document used in

5 IKEA -- in your normal business, do you use this exhibit,

6 Petitioner's Exhibit 3 when you perform --

7 MR. WEDEKING: No. This is just a -- just an overview of

8 the warehouse. It was on the -- the maintenance drive. It

9 just shows basically the top view of the warehouse. The

10 warehouse is so big, if you really wanted to get into more

11 detail, it would take multiple pages and --

12 HEARING OFFICER FONG: I see. I see.

13 MR. WEDEKING: -- those would --

14 HEARING OFFICER FONG: Okay. And I know -- and I know

15 you'll ask this of the Petitioner -- of your witness, but just

16 which one is building 1 on the -- on Petitioner's 3?

17 MR. WEDEKING: So building 1 is the one right in the middle

18 with -- so I don't know if you can see --

19 HEARING OFFICER FONG: Is it right below the I? Like you

20 know, IKEA -- there's IKEA on the right. There's the I. Is

21 that parallel to the I?

22 MR. WEDEKING: Yes. So right underneath the I, that's

23 building 4. So --

24 HEARING OFFICER FONG: Oh, okay.

25 MR. WEDEKING: -- with the black dots in it, that's

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1 building 1. And then from the right of that is 2 and 3.  
 2 HEARING OFFICER FONG: I see. I see. The black dots. So  
 3 the black dots, I see it as kind of like on the -- parallel to  
 4 the letter A.  
 5 MR. WEDEKING: Yes.  
 6 HEARING OFFICER FONG: That's building 1?  
 7 MR. WEDEKING: Yes. And to the right is building 2, and  
 8 then building 3. And then to the left of building 1 is 4, 5,  
 9 6.  
 10 HEARING OFFICER FONG: Okay.  
 11 MR. WEDEKING: It's built in that where they both see --  
 12 HEARING OFFICER FONG: I see. I see.  
 13 MR. WEDEKING: So that's why that's why it's --  
 14 HEARING OFFICER FONG: So 4 would be underneath the I?  
 15 MR. WEDEKING: Yes.  
 16 HEARING OFFICER FONG: And to the left, 5, 6. Okay.  
 17 MR. WEDEKING: Yes.  
 18 HEARING OFFICER FONG: You not that, Nahin?  
 19 THE WITNESS: Yes.  
 20 HEARING OFFICER FONG: Okay. All right. I'm sorry.  
 21 Proceed, Mr. Petitioner. Thank you for that.  
 22 RESUMED DIRECT EXAMINATION  
 23 **Q BY MR. WEDEKING: Nahin, can you --**  
 24 MR. WEDEKING: I'm not sure how to share that. Can I just  
 25 hold it up to the Petitioner --

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1 HEARING OFFICER FONG: Yes, yes.  
 2 **Q BY MR. WEDEKING: So Nahin, can you see this?**  
 3 A Yeah. Just hold it steady. Yeah, I can see.  
 4 **Q Can you see the -- the number 1?**  
 5 A Yes.  
 6 **Q What is number 1?**  
 7 MR. HART: Mr. Hearing Officer, at this point, I'm going to  
 8 object to this document. Petitioner has not laid a foundation  
 9 as to permit Mr. Alberto to testify about this document, nor  
 10 has he established that it's -- that it's not hearsay. This  
 11 document's hearsay. He's not established that it's a business  
 12 record or any other exception to the hearsay rule.  
 13 HEARING OFFICER FONG: Well, we have -- we haven't  
 14 introduced the document yet. Perhaps it's now being introduced  
 15 for purposes of assisting the witness for his testimony. I'll  
 16 allow it. I don't intend to introduce this doc -- the document  
 17 through this witness. I'll probably address that issue once  
 18 Petitioner testifies. And for purposes of just assisting the  
 19 witness, I'll allow it since there hasn't been a motion for the  
 20 document to be introduced yet. Again, we'll revisit that issue  
 21 with the Petitioner. But I'll allow it.  
 22 For now, Mr. Petitioner, you can show the document to  
 23 the -- to the -- to Nahin and just enough for him to  
 24 understand. I think he already did say -- he testified as to  
 25 like, you know -- in his mind, he understands where building 1

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1 is. East, buildings 2, 3. And he just testified about what's  
 2 west of the building. So -- so if you need to show him the  
 3 document, you may do so. But since he already testified, do  
 4 the best you can in terms of having him lay out who -- where  
 5 the maintenance employees work at, since he already testified  
 6 he understands what buildings are the facility and where --  
 7 which specification for this and that.  
 8 You can proceed as -- like that. But feel free to -- you  
 9 can show him the documents there to assist him.  
 10 MR. WEDEKING: Okay.  
 11 **Q BY MR. WEDEKING: Nahin, where is -- this is building 2,**  
 12 **correct?**  
 13 A Yes.  
 14 **Q What is the highlighted part around the outside of**  
 15 **building 2?**  
 16 A Oh, that's -- building 2. That's the conveyors and the --  
 17 the cross --  
 18 **Q This is --**  
 19 A -- aisle, down the aisle. The north end would be the  
 20 cross aisles.  
 21 **Q Yes.**  
 22 A The -- the west would be -- and I -- by cross aisles, I  
 23 mean conveyors. They run -- excuse me. Let me get my son to  
 24 play away.  
 25 HEARING OFFICER FONG: Go ahead. Please, sir.

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1 Zoom -- these are -- this -- the Zoom YouTube moments. I  
 2 appreciate everyone's patience and cooperation with this  
 3 process. You know, it is what it is. At least it saves of one  
 4 a huge trip from -- down to the regional office. In that  
 5 respect, I think it's helpful.  
 6 THE WITNESS: Sorry.  
 7 HEARING OFFICER FONG: As I said to everybody, don't worry  
 8 about it. You know, we're -- this is virtual. This is one of  
 9 those YouTube America's funniest video moments. So don't worry  
 10 about that. It happens.  
 11 THE WITNESS: Oh, yeah. No. I -- yeah. Thank you for  
 12 understanding. You know --  
 13 HEARING OFFICER FONG: Yeah, of course. Of course.  
 14 THE WITNESS: -- I'm a single father, so.  
 15 HEARING OFFICER FONG: Yeah. We get it.  
 16 THE WITNESS: Okay.  
 17 A So if I can see the sheet up -- if I can see the sheet  
 18 again.  
 19 But the north end is basically the cross aisle, which is  
 20 only really maintenance. It's like a rotor -- it's a conveyor  
 21 system. The purple on the west -- on the west would be  
 22 conveyor 11, which is also maintenance is only really allowed  
 23 to go in there. And then the east end would be -- would be  
 24 conveyor -- conveyor 2 -- conveyor --  
 25 **Q BY MR. WEDEKING: This is another conveyor system?**

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1 A Yeah, that's another conveyor system. But --

2 **Q Something with the building, correct?**

3 A Yes.

4 HEARING OFFICER FONG: While we're on building 2, is there

5 a specific name to that area? Is there a specific name or

6 reference to building number 2?

7 MR. WEDEKING: To assist -- are you asking me for the

8 witness?

9 HEARING OFFICER FONG: Yeah. I'm sorry. Nahin.

10 Mr. Nahin, is there a particular --

11 THE WITNESS: It's a crane. It's basically the crane --

12 the crane area they're at.

13 **Q BY MR. WEDEKING: What's another word for the cranes?**

14 A The silo, you mean?

15 **Q Exactly. Okay.**

16 HEARING OFFICER FONG: Okay. Thank you. I'm sorry. I

17 didn't mean to interrupt. So building 2 conveyor belts. And

18 you said east west all in building 2. Okay. Go ahead.

19 Proceed, please.

20 **Q BY MR. WEDEKING: Would you say that building 5 is**

21 **exactly -- almost similar to building 2 in the --**

22 A Yes.

23 **Q -- in that regard?**

24 A Yes.

25 **Q Building 6, this area right here --**

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1 A Yes.

2 **Q -- what is that?**

3 A That's our automated system, our ASRS. That's --

4 **Q Could you describe that for, you know, the --**

5 A About 50 feet wide, 100 feet in length, I'd say about 4 --

6 30 feet high. In that area, we have automated shuttles that

7 are designed to pick up and lift product. We have some lifts

8 that also do the same and bring out the product out to the

9 conveyors or back into the system to be put back in and

10 stationed there. And it's just an automated system we have.

11 HEARING OFFICER FONG: And we're in building 6, right?

12 THE WITNESS: This is building --

13 MR. WEDEKING: Yes.

14 THE WITNESS: -- 6, yes.

15 HEARING OFFICER FONG: Okay. And building -- are we

16 talking about the middle -- the center of building 6 or on the

17 outside perimeter of building 6?

18 THE WITNESS: This is about the center of building 6.

19 HEARING OFFICER FONG: Okay. I'm sorry. Go on.

20 **Q BY MR. WEDEKING: Nahin, I don't know if you can see, but**

21 **these other little marks in the front and the back of all the**

22 **buildings, can you see those?**

23 A Yes.

24 **Q What are those?**

25 HEARING OFFICER FONG: And let's break it down,

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1 Mr. Petitioner. So is building 5 north or south? If you can

2 ask more specifically --

3 MR. WEDEKING: Okay. Okay.

4 HEARING OFFICER FONG: -- maybe one at a time.

5 **Q BY MR. WEDEKING: The front or the back of building 1,**

6 **right around there. Can you read -- can you tell me what**

7 **maintenance areas those are only? Why are those maintenance-**

8 **only areas?**

9 A I would say electrical cabinets.

10 **Q Correct. Thank you. And in the front or back of every**

11 **one -- of all the buildings, are there electrical cabinets?**

12 A Yes.

13 **Q This back corner right here, can you see that?**

14 HEARING OFFICER FONG: Which building?

15 MR. WEDEKING: In the back of building 6. I'm sorry.

16 A Uh-huh. Yes.

17 **Q BY MR. WEDEKING: Is that -- that maintenance-only area,**

18 **what is that?**

19 A Where are you pointing to?

20 **Q Right -- right back here.**

21 A That's at the very south of -- that's another -- is it

22 out -- is it outside or --

23 **Q Yes, yes, that's outside. I'm sorry.**

24 A I'd say that probably the pump house or --

25 **Q Right.**

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1 A Yeah.

2 **Q So would you agree that all these -- all these highlighted**

3 **areas on my map here are maintenance only areas?**

4 A That's correct.

5 HEARING OFFICER FONG: And by that, you mean the back of

6 each building has a maintenance area?

7 MR. WEDEKING: Maintenance only.

8 THE WITNESS: Yeah. We actually have --

9 HEARING OFFICER FONG: Outside?

10 THE WITNESS: We actually have keys that only were allowed

11 to access those areas. Mainly the electrical panels and then

12 the pump house; we have a few designed to enter those areas.

13 And then out -- building 1, the maintenance shop, really, we're

14 only allowed to go in there. And then automation, the building

15 6 where it says -- I think there's a 2 right there, really,

16 only we're allowed to work in that area also.

17 **Q BY MR. WEDEKING: Okay. In the back of building 1 outside**

18 **here, can you see the number 4 I wrote?**

19 A Yes. That's the -- that's the hazmat building or -- where

20 we -- where we store hazardous material waste.

21 **Q So -- okay.**

22 HEARING OFFICER FONG: But that's -- Nahin, that's

23 outside -- that's outside of their building --

24 THE WITNESS: That's outside.

25 HEARING OFFICER FONG: -- the hazmat?

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1 THE WITNESS: Building 1 to the south of --  
 2 HEARING OFFICER FONG: What's hazmat?  
 3 THE WITNESS: Hazardous material waste. So used ballasts,  
 4 used oil that we can't just depose and -- and throw into the  
 5 irrigation system or just dispose of on -- on -- on property  
 6 ground or just throw away. This -- this is waste that needs to  
 7 be treated properly and wasted properly because of state laws  
 8 and protection of -- of the environment.  
 9 HEARING OFFICER FONG: Okay. I'm sorry. Go on,  
 10 Mr. Petitioner.  
 11 **Q BY MR. WEDEKING: Besides your tool bags, you're issued**  
 12 **keys. Did we -- did we cover the keys, the maintenance --**  
 13 A No, we have not.  
 14 **Q How many would you say that IKEA issues you? How many**  
 15 **are -- are on there?**  
 16 A I'd say about 20.  
 17 **Q Okay. 20. And those let you access areas that normal --**  
 18 **general co -- warehouse --**  
 19 A Yes.  
 20 **Q -- workers cannot, correct?**  
 21 MR. HART: Mr. Hearing Off --  
 22 A That's correct.  
 23 MR. HART: Mr. Hearing Officer, Mr. Petitioner is -- is  
 24 leading the witness continually. He's going to have an  
 25 opportunity to testify himself. And I would ask that you

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1 instruct him to -- to not lead the witness and let the witness  
 2 testify.  
 3 HEARING OFFICER FONG: There's some -- there's been a  
 4 little bit of leading. I guess I'm not so concerned. But --  
 5 but with proper cautionary advice, go on, Mr. Petitioner. You  
 6 know by leading means to ask them --  
 7 MR. WEDEKING: Yes.  
 8 HEARING OFFICER FONG: -- the question rather than -- you  
 9 understand that, right?  
 10 MR. WEDEKING: Yeah. Giving a question that I expect a  
 11 certain answer to, yes.  
 12 HEARING OFFICER FONG: Right, right, right.  
 13 **Q BY MR. WEDEKING: Nahin, tell me about the fleet of**  
 14 **equipment.**  
 15 A So we have walkies designed to pick up pallets. We have  
 16 reaches that are designed to pick product off racks. They  
 17 go -- I believe they go about maybe 28 feet high with -- the  
 18 forks extend and then pick the product from the -- the racks  
 19 about 20 feet high. We have counterbalance designed to offload  
 20 trailers or C trains at dock doors and move product around,  
 21 load them onto the conveyors with the forks. We have --  
 22 **Q How many pieces of equipment would you say we have?**  
 23 A Oh, it's hard to tell. I'd say maybe 100. Something like  
 24 that.  
 25 **Q What is the equipment powered by?**

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1 A It's all electrical. By batteries. 48-volt batteries,  
 2 36-volt batteries.  
 3 **Q Have you ever -- have you ever worked on the tracks, or**  
 4 **pieces of equipment?**  
 5 A Have I ever worked on the -- what do you -- when you say  
 6 the -- I troubleshoot them and I -- if there were an incidence,  
 7 I would -- but as -- operate them -- I -- I do not operate,  
 8 only counterbalance; that's if I'm to move something that's too  
 9 heavy and, you know, to do my daily task, I would say, but as  
 10 far as operating them on a daily basis, I do not.  
 11 **Q As -- who does operate those pieces of equipment?**  
 12 A Regular warehouse coworkers, which they basically pick  
 13 product and racks.  
 14 **Q So what kind of -- what kind of equipment is attached to**  
 15 **the -- the -- what kind of piece of other accessories are**  
 16 **attached to the -- the pieces of equipment?**  
 17 A Wrapping -- like, wrapping paper used to -- to some --  
 18 shrink-wrap, I believe, to protect product, fire extinguishers;  
 19 that's pretty much it.  
 20 **Q When -- when a general warehouse coworker is operating one**  
 21 **of those pieces of equipment, how -- how do they -- how do they**  
 22 **know where to go?**  
 23 A They use -- by the -- the -- this d-log tells them what --  
 24 where they're supposed to go, and they just -- they'll scan the  
 25 product and move on to their next function. Basically, the d-

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1 log is -- it displays the -- an application that tells them  
 2 what their next job function is.  
 3 MR. HART: Mr. Hearing Officer, objection here. There's  
 4 no foundation for that testimony. He's not testified that he's  
 5 ever worked in the classification of general warehouse coworker  
 6 or provided any other basis for that testimony.  
 7 HEARING OFFICER FONG: I'll overrule. I will allow it.  
 8 You can -- can you just explain a little bit what the d-  
 9 log is and if you have access to it?  
 10 THE WITNESS: I -- I -- I do not, but I've been asked by  
 11 many coworkers to troubleshoot, which, at that point,  
 12 maintenance does not troubleshoot because that's more of a IT  
 13 issue, so we will --  
 14 HEARING OFFICER FONG: Have you seen this -- have you seen  
 15 this d-log? Can you explain what the d-log is?  
 16 THE WITNESS: Well, we do -- the d-log is just basically  
 17 like a small monitor that -- it has an em -- embedded software  
 18 that it carries the -- the application and -- for regular  
 19 coworkers to know what their job function is. Various -- it --  
 20 it's a -- the location of their next product, what -- how much  
 21 of that product we have to -- they have to pick, and -- yeah.  
 22 MR. HART: Mr. Hearing Officer --  
 23 HEARING OFFICER FONG: How do you know -- how do you know  
 24 this -- how do you know this? What -- how do you know what  
 25 you're just telling me?

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1 THE WITNESS: I've asked other coworkers what --

2 MR. HART: Objection. Hearsay.

3 HEARING OFFICER FONG: Overruled. And -- and you're

4 saying that who -- whose schedule goes by the d-log?

5 THE WITNESS: Warehouse coworkers.

6 HEARING OFFICER FONG: This is from discussion you've had

7 with the warehouse coworkers, you've stated?

8 THE WITNESS: I, myself, have never interacted with the d-

9 log. The only thing I usually do is if the power cable becomes

10 loose, then I will -- I will resplice it, the connector, and

11 then just, you know, troubleshoot it and fix it, just mainly

12 the power. That's the only interaction I've had with it.

13 HEARING OFFICER FONG: Okay. That's fine. It is what it

14 is. I'll allow the testimony and it will be given its

15 appropriate weight.

16 I'm sorry, Petitioner. Carry on, please.

17 **Q BY MR. WEDEKING: Nahin, the general warehouse coworker,**

18 **have you ever -- have you ever worked hand-in-hand with them?**

19 A I have not.

20 **Q What kind of interaction do you have, if any, with the**

21 **general warehouse coworker?**

22 A Usually then there's an issue with their equipment, or

23 they -- they -- there's something they notice that is out of

24 service or that is malfunctioning, they will let me know, and I

25 will go and troubleshoot the -- whatever needs to be fixed or

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1 tagged out, be placed out of service, things like that.

2 **Q Let's see here --**

3 HEARING OFFICER FONG: Can you give us some examples of

4 some -- some examples of equipment requests that you'd service,

5 referring with the warehouse coworkers?

6 THE WITNESS: Yeah. So if they hear, like -- if they're

7 in an area picking product and they start hearing, like, a

8 knocking sound, which may be like a loose chain on a sprocket,

9 then I will go check it out and see what the knocking noise is

10 and then address the issue or if it needs to be placed out of

11 service. Also, if there is, like, an equipment that has a

12 faulty wheel, say if a counterbalance has a faulty wheel, then

13 they will -- they will come to me or report it to their team

14 leader.

15 It depends. If they see me and I'm in the area, they'll

16 let me know, hey, you know, this wheel is not turning or it's

17 coming off, then I will check out the unit and I'll be like,

18 okay, well, let's see what we can do here, try to fix it, or if

19 a ticket needs to be placed, if I need to create a work order

20 to -- for our contractor, Hyser (phonetic), to address the

21 issue, so I would tag up a unit. What else? If there's a jam

22 on a conveyor and they see it, then they will -- they will call

23 me and then I'll go take a look at the jam and either -- and

24 then -- and then clear the jam.

25 HEARING OFFICER FONG: What counter -- you mentioned the

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1 word counterbalance a few times. Can you explain what it

2 means?

3 THE WITNESS: It's a -- it's a forklift.

4 HEARING OFFICER FONG: Oh, counterbalance is a forklift?

5 THE WITNESS: Yes.

6 HEARING OFFICER FONG: And is -- are most of this

7 equipment repair request -- you mentioned that, you know, if

8 you happen to be by and if some -- and a warehouse -- a

9 warehouse man will call you on the spot to fix it. Are most of

10 the equipment requests of such nature, or most of them them

11 given to you by management? Or is directly by the warehouse

12 coworkers?

13 THE WITNESS: It's -- it's -- it's a little bit of both.

14 HEARING OFFICER FONG: Okay. Okay.

15 THE WITNESS: Yeah.

16 HEARING OFFICER FONG: I'll explore that more with Mr.

17 Petitioner, perhaps some follow-up questions.

18 But go on, Mr. Petitioner.

19 **Q BY MR. WEDEKING: Besides the ASRS, Nahin, what other --**

20 **what other -- what other job duties do you have?**

21 HEARING OFFICER FONG: I'm sorry, R-S- -- RSRS?

22 MR. WEDEKING: ASRS, the -- the thing in building 6.

23 THE WITNESS: It's our maintenance system. It's designed

24 to bring product out of the racking without having a

25 physical -- what I would say a -- a human interaction.

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1 HEARING OFFICER FONG: Okay. Thank you.

2 **Q BY MR. WEDEKING: Yes. Yeah, you said when you --**

3 MS. INESTA: I'm hearing -- I'm sorry to interrupt. I do

4 have an objection. Mr. Hearing Officer, I understand that

5 under these circumstances, you giving some relay time on

6 leading questions, but the problem with these questions is he's

7 also assuming facts that are not in evidence yet. So it's

8 almost like he's going to the next step before he's laying a

9 foundation for anything, and he did that earlier. Well, he did

10 that this time when he said, you know, in addition to you

11 working this -- or on this without even establishing that fact.

12 MR. WEDEKING: No, he testified that --

13 MS. INESTA: And moving on to the second part of it.

14 MR. WEDEKING: He testified earlier in his day-to-day that

15 one of his jobs was he works the ASRS.

16 MS. INESTA: So for example, in the --

17 HEARING OFFICER FONG: That's correct. I'll make my

18 ruling. The -- I do understand Employer's concerns; however, I

19 do know that this -- this particular witness is being called

20 out of -- out of order, and so --

21 MS. INESTA: Yeah.

22 HEARING OFFICER FONG: -- I'll go ahead and clean up with

23 Mr. Petitioner and try to fill up any holes as the best we can.

24 For the time being, again, because this witness is somewhat out

25 of order, I will allow it. Ultimately, again, the decision

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1 writer obviously will not include conclusory or facts that are  
 2 not properly given their foundation. But you -- you're  
 3 overruled, but your concern is noted for the decision-maker who  
 4 will pick up on these things. And again, will -- the witness,  
 5 again, is -- is -- is out of order, so we'll -- we'll clean up  
 6 with Mr. Petitioner as best we can and I'll do some follow ups  
 7 as well. But ultimately do know that any statements that are  
 8 conclusory or lack foundation will be given the appropriate  
 9 weight, okay?  
 10 MS. INESTA: All right. And just the -- just to reference  
 11 one more time, because I do think --  
 12 HEARING OFFICER FONG: Yes.  
 13 MS. INESTA: -- it needs some cleanup, is in the prior  
 14 questions -- the entire line of questioning you repeatedly  
 15 referred to this maintenance-only area, or that maintenance-  
 16 only area, so those are the types of things that I'm really  
 17 trying to address is that they're assuming -- the questions  
 18 themselves are assuming facts not in evidence before he moves  
 19 onto what his actual question is.  
 20 HEARING OFFICER FONG: I appreciate that. I appreciate  
 21 that. The -- we did -- we did try to reference maintenance  
 22 area building 1, maintenance area building 2, building 3.  
 23 MR. INESTA: Yeah, I appreciate that.  
 24 HEARING OFFICER FONG: But as best we can, when we speak  
 25 about conveyor belts or -- or maintenance or hazmat, let's try

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1 to give a little detail as to what particular area we're  
 2 talking about, like the back of which building, back of this,  
 3 back of that. And this is normal for any witness and any  
 4 testimony, as we start a little bit rough; with everybody's  
 5 help, we'll -- we'll beef it up and improve it. So -- so with  
 6 that said, let's -- let's -- let's -- let's proceed by the --  
 7 do try to be a little, also, specific as to what areas we're  
 8 talking about, conveyor belt, building B; maintenance, back of  
 9 building 3; this and that. Okay? This is normal practice and  
 10 we're too busy not warming up, okay? Let's proceed with that.  
 11 Thank you, Mr. -- Employer counsel.  
 12 **Q BY MR. WEDEKING: Nahin, who is your supervisor?**  
 13 A Robert Jones.  
 14 **Q Who's his supervisor?**  
 15 A Aaron Lucas.  
 16 **Q And what -- what positions and titles do they have?**  
 17 A Robert Jones is the maintenance team leader, and Aaron  
 18 Lucas is a general warehouse facilities manager, I believe.  
 19 **Q And who does Aaron Lucas report to?**  
 20 A I do not know.  
 21 HEARING OFFICER FONG: I'm sorry, repeat the name for your  
 22 maintenance team leader, Mr. Nahin.  
 23 THE WITNESS: Robert Jones.  
 24 HEARING OFFICER FONG: And you said above him?  
 25 THE WITNESS: Aaron Lucas.

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1 HEARING OFFICER FONG: And what's his title again?  
 2 THE WITNESS: Aaron Lucas is a facilities general manager.  
 3 HEARING OFFICER FONG: Okay. And I'm sorry, you said you  
 4 didn't know about -- you said above him, you didn't know. I'm  
 5 sorry, go on.  
 6 THE WITNESS: No, I do not know.  
 7 HEARING OFFICER FONG: Okay.  
 8 **Q BY MR. WEDEKING: Tell me about what -- what do you --**  
 9 **what do you wear to work?**  
 10 A I wear -- I wear steel-toed boots. I wear fire-resistant  
 11 pants. I actually have some here I can show.  
 12 **Q That's okay.**  
 13 A I also --  
 14 **Q We're going to have an exhibit on that later on.**  
 15 A I also have a -- a fire-resistant shirt also, long-sleeved  
 16 shirt. Yeah.  
 17 **Q Tell me what do your general warehouse coworkers wear?**  
 18 A I know that they have to wear steel-toe boots, but  
 19 other -- and then an orange safety, reflective vest. Other  
 20 than that, I don't really think they have a dress code.  
 21 HEARING OFFICER FONG: Can you ask him about the -- the --  
 22 if he's seen the cleaners or -- compared to a couple of the  
 23 other excluded units in terms of what -- if he's seen what the  
 24 other excluded units wear in terms of whether they wear a  
 25 uniform or not?

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1 **Q BY MR. WEDEKING: Nahin, what's a cleaner in job**  
 2 **classifications?**  
 3 A Are you -- I don't know what that is. I've never heard of  
 4 that job title.  
 5 **Q What is a waste order?**  
 6 A A waste order is a coworker on a rear -- on the end unit,  
 7 we call them, which is just a -- a -- kind of like a walkie,  
 8 but with longer forks. And they go --  
 9 **Q Can you -- can you --**  
 10 A They go around gathering cardboard waste, plastic waste,  
 11 and they -- they will drop it off at a sorting location in  
 12 building -- so they go around the whole -- the entire  
 13 warehouse, picking up cardboard waste, plastic waste, and they  
 14 will drop it off at the back of building 5, where they --  
 15 **Q What do they wear?**  
 16 A They wear fire-retardant pants, steel-toe boots, and fire-  
 17 retardant long-sleeved shirt.  
 18 **Q Can -- can you give the -- a couple names -- I mean, how**  
 19 **many -- how many waste orders are on your -- your shift?**  
 20 A I think four.  
 21 **Q Can you name the four of them?**  
 22 A Yeah, it's Jorge Salas, it's -- you know, one -- another  
 23 one is named Tino (phonetic). I'm not sure on his last name.  
 24 And I'm not sure on the other guys' names.  
 25 **Q But you know them as waste orders? Their job**

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1 classifications are --

2 A That's correct.

3 **Q Okay. What about internal hauler; do you know what that**

4 **is?**

5 A I've never heard that before.

6 **Q Jockey truck drivers; have you heard of that?**

7 A Yeah, I'm -- yes. They are --

8 **Q What -- what do they wear? What do they do? What do the**

9 **internal haulers do?**

10 A They move along -- they move -- they position trailers and

11 C-trains at docking stations to be either emptied or loaded.

12 And they'll just move -- yeah.

13 HEARING OFFICER FONG: And what did you refer them to?

14 Truck -- truck holders? Or what --

15 MR. WEDEKING: Jockey truck drivers. Jockey truck.

16 HEARING OFFICER FONG: Jockey?

17 MR. WEDEKING: Jockey. Like a horse jockey.

18 HEARING OFFICER FONG: Jockey -- what was it, jockey --

19 MR. WEDEKING: Jockey truck. Truck. They just -- they --

20 they back up trucks, trailers to the warehouse. They just go

21 in the yard and --

22 HEARING OFFICER FONG: Okay.

23 MR. WEDEKING: -- and -- yeah.

24 HEARING OFFICER FONG: Okay.

25 **Q BY MR. WEDEKING: And what do they wear to work, Nahin?**

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1 A Steel-toe boots and I don't -- I'm not sure if they -- if

2 they have designed pants, but I know they do wear fire-

3 retardant shirts, long-sleeved shirts.

4 **Q Recovery coworkers, what do they wear?**

5 A Regular -- the same as -- as regular warehouse coworkers,

6 steel-toe boots, and I know the only other thing I think they

7 have to wear is reflective vest, orange reflective vest.

8 **Q Stock controllers, what do they wear?**

9 A Steel-toe boots and orange reflective vests. Other than

10 that, no dress code.

11 **Q What about an auditor? Have you ever heard of that job**

12 **classification?**

13 A I have, but I don't know what their job function is. But

14 I -- you know.

15 HEARING OFFICER FONG: Let's take -- let's take --

16 let's -- do you want to take a five-minute break at this point

17 in time? We've been on the record for two hours. Or you want

18 to go on?

19 MR. WEDEKING: I don't think I have much more.

20 HEARING OFFICER FONG: Okay. Let's continue then because

21 if this witness needs to go later, I think it's best to -- to

22 give, like, a follow through.

23 **Q BY MR. WEDEKING: Nahin, pay scales; do you -- can you**

24 **testify about what -- what your job classification for your pay**

25 **scale is?**

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1 A Can you repeat that question?

2 **Q Your pay scale; can you tell me about that at all?**

3 A I think -- I'm not -- I'm not really sure. I think --

4 **Q How much do you get paid?**

5 A I'm -- I get paid \$21.21, \$0.50 for ex -- including \$0.50

6 cents for being in second shift.

7 **Q That's per hour, right?**

8 A That's correct.

9 **Q Nahin, do you -- do you -- can you tell me who a general**

10 **warehouse coworker reports to?**

11 A He reports to a SD operations --

12 MR. HART: Objection. Foundation.

13 HEARING OFFICER FONG: How -- how -- who -- how do you

14 know who they report to, Mr. Nahin?

15 THE WITNESS: What's that?

16 HEARING OFFICER FONG: Do you know who the warehouse -- do

17 you know -- have you seen, in the warehouse, report to any

18 particular manager?

19 THE WITNESS: Yeah. Usually they're called an SD team

20 lead, and -- you know.

21 HEARING OFFICER FONG: And do -- okay. And do the S --

22 S -- what are they called again?

23 THE WITNESS: A team leader, SD team lead.

24 HEARING OFFICER FONG: Okay. And you've seen -- do these

25 team leaders, do they have a particular uniform? Are they

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1 identifiable? The manager, team leaders?

2 THE WITNESS: Steel-toe boots and black reflective vest

3 with oran -- with the -- the reflective is green, light green,

4 I believe.

5 HEARING OFFICER FONG: You can pick them up from the

6 general population of employees?

7 THE WITNESS: That's correct.

8 HEARING OFFICER FONG: Okay. And -- and do you have an --

9 what -- do you have a particular name of a supervisor or a team

10 lead that you've seen the warehouse report to that you have

11 seen?

12 THE WITNESS: Do you want me to name the -- a team lead or

13 a warehouse report?

14 HEARING OFFICER FONG: Yes. A -- no, a team -- a team

15 lead which you have personally seen giving orders or a

16 warehouse reporting to a particular team lead -- or a team

17 lead.

18 THE WITNESS: Chris Bates.

19 HEARING OFFICER FONG: Give me -- give me more names.

20 THE WITNESS: Rey De Leon.

21 HEARING OFFICER FONG: So Chris Bates?

22 THE WITNESS: Sandra -- yes.

23 HEARING OFFICER FONG: Who else?

24 THE WITNESS: Rey De Le -- Rey De Leon, Sandra Romero

25 (phonetic), Dominic Suarez (phonetic), Laura Heckman.

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1 HEARING OFFICER FONG: And -- and -- and this particular  
 2 team leads for the warehouse, you say that they wear like a --  
 3 what -- did you say -- did you say? I don't want to put words  
 4 in your mouth.  
 5 THE WITNESS: Steel -- steel-toe boots and a black  
 6 reflective vest.  
 7 HEARING OFFICER FONG: Okay. And is this black reflective  
 8 vest -- is it worn mostly by -- by these team leads? Or -- or  
 9 by --  
 10 THE WITNESS: I've only -- I've only seen them wearing  
 11 them.  
 12 HEARING OFFICER FONG: Okay. And you've seen -- for  
 13 this -- for each of the team leads reported, you've seen these  
 14 team leads in action, so to speak, giving -- giving --  
 15 directing employees' work flow?  
 16 THE WITNESS: Multiple employees.  
 17 HEARING OFFICER FONG: And you've seen warehouse  
 18 employees' communication? You've seen warehouse employees,  
 19 have you seen warehouse employees go up to this particular team  
 20 leads and -- and -- and request for -- for -- request  
 21 instruction for work?  
 22 THE WITNESS: Yes.  
 23 HEARING OFFICER FONG: Okay. Fine. Thank you.  
 24 **Q BY MR. WEDEKING: Nahin, a general warehouse coworker,**  
 25 **what do they wear differently than a stock control -- a stock**

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1 **controller? Can -- can you --**  
 2 A I don't think anything at all. They -- I think they all  
 3 wear the same thing.  
 4 **Q What about recovery?**  
 5 A I don't think there's any difference.  
 6 **Q So -- okay. Can you -- the team leads that you described,**  
 7 **can you tell me what teams they -- they lead?**  
 8 A Yeah. SD, which is basically -- they are -- SD is  
 9 basically -- this function is to provide the stores with  
 10 product, our retail stores, and they will -- they are in charge  
 11 of the logistics of the company for, like, having this C-train  
 12 come to, for example, dock door 220, and having a warehouse  
 13 coworker offload that trailer with a counterbalance. So the  
 14 team lead will instruct a certain coworker to go and unload  
 15 that trailer and --  
 16 **Q What's the name of the teams?**  
 17 A The --  
 18 **Q The -- they're team leaders. The -- like, what -- like --**  
 19 A The names of the teams; what do you mean by that? Because  
 20 I know there's SD --  
 21 **Q Chris Bates. What's he -- you said Chris Bates was the**  
 22 **name of a team leader?**  
 23 A Yes. He is -- his team is SD, which is, like I said,  
 24 is -- SD's -- SD's essential, general function is to prad --  
 25 provide stock to the warehouse and provide product to our

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1 retail stores.  
 2 **Q SD. Who's in charge of -- who do those team leads report**  
 3 **to?**  
 4 A I believe it's David Ortiz.  
 5 **Q And what's his title?**  
 6 A Warehouse shift manager, I want to say. Or -- yeah.  
 7 **Q What -- what --**  
 8 HEARING OFFICER FONG: What does SD stand for? Who are  
 9 the SD people, Mr. Nahin?  
 10 THE WITNESS: I -- I don't know. I don't remember what it  
 11 stands for, but I know their job function is to provide product  
 12 for our retail stores and to keep the warehouse in stock of  
 13 product.  
 14 HEARING OFFICER FONG: Does that sound -- does that sound  
 15 like a stock controller?  
 16 THE WITNESS: No. No.  
 17 HEARING OFFICER FONG: That's not the stock controller?  
 18 THE WITNESS: No. Stock controller is just -- their job  
 19 function is to keep track of the -- of what product we have in  
 20 the warehouse, and I believe what is needed, or what we're  
 21 short on. Yeah.  
 22 MR. HART: Okay. Mr. Hearing Officer, objection. He --  
 23 he doesn't have personal knowledge of the stock controller job  
 24 functions.  
 25 HEARING OFFICER FONG: Yeah, the record reflects that.

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1 The record reflects that. I'll follow up with -- and that's  
 2 okay, Nahin, you're not expected to know everything.  
 3 THE WITNESS: Yeah.  
 4 HEARING OFFICER FONG: I'll follow up with you, Mr.  
 5 Petitioner, on that. Okay. No problem.  
 6 **Q BY MR. WEDEKING: What -- what other departments -- what**  
 7 **other departments besides maintenance have you seen in the**  
 8 **warehouse?**  
 9 A Stock control, recovery, CDC.  
 10 **Q Okay. What's CDC?**  
 11 A CDC's job function is to deliver -- pick and deliver  
 12 product to online customers.  
 13 **Q What other departments can you -- that you're --**  
 14 A Safety department, I -- IT department. Let's see --  
 15 **Q Now, the SD department, what -- what -- what other -- what**  
 16 **other departments are within SD?**  
 17 A Within SD? I do not know.  
 18 **Q Okay. Have you ever seen a -- a temporary employee work**  
 19 **at IKEA?**  
 20 A Yes.  
 21 **Q How are those identified?**  
 22 A Green reflective vest.  
 23 **Q So --**  
 24 A And steel-toe boots.  
 25 **Q What functions do -- does IKEA use those for, those --**

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1 what -- what --  
 2 A To work in SD, to work in stock control, work in CDC. I  
 3 think mainly general warehouse coworker functions.  
 4 Q Have you ever seen a temp do a maintenance technician's  
 5 job?  
 6 A I have not.  
 7 Q What about internal -- an internal hauler, the jockey  
 8 truck driver? Have you ever seen --  
 9 A Yes. A jockey truck driver, yes, I have.  
 10 Q Stock controller?  
 11 A Yes, I have.  
 12 Q Cleaner, or you may know it as a waste sorter?  
 13 A Yes, I have.  
 14 Q I think that -- COVID. Tell me about how COVID has  
 15 affected work.  
 16 A Okay. Well, we've had some cases reported. Usually, at  
 17 the -- at -- when the pandemic barely started, we were -- we  
 18 would get sent home early, or they would close down the  
 19 warehouse, so they would -- basically, the only people that  
 20 would -- we would be tasked at -- when they -- after they sent  
 21 out -- sent the general warehouse coworkers and everybody else  
 22 home, pretty much the only people that would stay would be  
 23 management safety and then maintenance would be tasked with  
 24 closing down the warehouse, powering down, the automation  
 25 system in building 6, closing fire doors in between each

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1 building. There's two fire doors on each building, one on the  
 2 south side, one on the north side, and these are located in  
 3 between each building.  
 4 Also, we -- well, the warehouse would close -- the  
 5 warehouse closed down for several days, but we would have to --  
 6 maintenance would --  
 7 Q When you say "we" -- yeah, say maintenance.  
 8 A Maintenance -- maintenance would have to come in and  
 9 oversee this infection of the facility.  
 10 Q What -- what type of training does maintenance have? What  
 11 type of training do you have?  
 12 A The type of training that I have is safety training,  
 13 power-tool training.  
 14 Q And -- and -- and did you -- talk about the skills that  
 15 you train, that you use at the jobsite, okay?  
 16 A The skills that I use is --  
 17 Q Yeah.  
 18 A -- electrical troubleshooting, mechanical troubleshooting.  
 19 By that, I mean finding continuity, determining where  
 20 electrical components go bad, mechanical components go bad,  
 21 such as contactors, power supplies, wore-down sprockets, wore-  
 22 down chains on loaders, bad motors that run conveyors.  
 23 Q And what's a PM?  
 24 A That's a preventative maintenance task. Basically, we try  
 25 to maintain certain object or piece of equipment so we can

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1 prolong its -- its life or reduce the probability of -- of it  
 2 wearing down or -- or breaking or going out of service  
 3 unexpectedly.  
 4 Q Have you ever seen a general warehouse coworker or  
 5 auditor, cleaner, internal hauler, recovery coworker do any of  
 6 those functions you just -- you just said that you do?  
 7 A I have not, although I don't know what a cleaner is.  
 8 Q When I say "cleaner" --  
 9 A When you say waste sorter?  
 10 Q Yes. Yes.  
 11 A Oh, okay. No, I have not.  
 12 MR. WEDEKING: So Mr. Hearing Officer, I think I should  
 13 tell you that the term cleaner is fairly new to both -- to --  
 14 to Nahin. He's never heard of that. We know it as -- he knows  
 15 them as a waste sorter.  
 16 HEARING OFFICER FONG: Yeah, I do know you -- one of the  
 17 persons you mentioned as a -- as a waste sorter, Mr. Nahin, did  
 18 you say Jorge Salas?  
 19 THE WITNESS: Yes.  
 20 HEARING OFFICER FONG: Yeah, I -- I see that he -- he's  
 21 listed as a cleaner. Can you -- can you just -- what about  
 22 Castillo (phonetic) -- these are names that are -- of employees  
 23 who are -- are -- are reflected as cleaners. Does -- do you  
 24 know who Castillo Celestino (sic) is?  
 25 THE WITNESS: No.

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1 HEARING OFFICER FONG: Does that ring a bell?  
 2 THE WITNESS: No.  
 3 HEARING OFFICER FONG: What about Escar (sic) Malouf; does  
 4 that ring a bell?  
 5 THE WITNESS: Yes.  
 6 HEARING OFFICER FONG: Do you know -- do you know his job  
 7 title, Escar Malouf, what he does?  
 8 THE WITNESS: I know he's a waste sorter.  
 9 HEARING OFFICER FONG: Waste sorter. I know that he's  
 10 reflected as a cleaner. How about Oscar Miranda, you heard of  
 11 his name?  
 12 THE WITNESS: Yes.  
 13 HEARING OFFICER FONG: What's his job title, if you know?  
 14 THE WITNESS: I thought -- I think it's preventative  
 15 maintenance technician.  
 16 HEARING OFFICER FONG: Okay. What about Juan Razo; do you  
 17 know who he is?  
 18 THE WITNESS: No, I do not.  
 19 HEARING OFFICER FONG: Jose Vaca-Mendoza; do you know who  
 20 he is?  
 21 THE WITNESS: I'm not sure what Jose -- which Jose, but I  
 22 know a few, but I would say no, because I don't -- I don't  
 23 recognize the last names.  
 24 HEARING OFFICER FONG: And Christopher Wood?  
 25 THE WITNESS: Yes.

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1 HEARING OFFICER FONG: Is he a waste sorter?  
 2 THE WITNESS: Yes.  
 3 HEARING OFFICER FONG: Or somebody -- okay. All right.  
 4 Then it's so noted, Mr. Petitioner. I think the record -- you  
 5 give -- I think you're giving it a decent shot in terms of  
 6 reflecting the waste sorter was -- the new -- the new -- that  
 7 the new title waste sorter is -- might be what appears as  
 8 cleaners in the job certificate in Exhibit 6.  
 9 MR. WEDEKING: Okay.  
 10 HEARING OFFICER FONG: Well, that actually -- actually is.  
 11 **Q BY MR. WEDEKING: So you said that your shift starts at 1**  
 12 **and goes to 9:30, correct?**  
 13 A Yeah, that's correct.  
 14 **Q Can you testify -- can you tell me about the other shifts'**  
 15 **start times? Have you ever worked any of the other shifts**  
 16 **before?**  
 17 A I have not. I -- I was -- I have been coming in from 2 to  
 18 9 -- to 10:30 p.m., but that's for personal reasons, that it  
 19 was allowed by my manager.  
 20 **Q Okay. Training -- did we talk about training? I'm trying**  
 21 **to remember. We did, didn't we?**  
 22 A The training that I have received is electrical safety. I  
 23 have received fall restraint -- fall protection training. I  
 24 have received mechanical tools and operations training.  
 25 HEARING OFFICER FONG: And is this training provided by --

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1 you said you have received it from who?  
 2 THE WITNESS: By the -- by the Employer.  
 3 HEARING OFFICER FONG: Okay. All these trainings you're  
 4 talking about given to you by the Employer?  
 5 THE WITNESS: Yes.  
 6 HEARING OFFICER FONG: Okay. Go on. I'm sorry.  
 7 THE WITNESS: I have received -- we have to -- we have to  
 8 receive a training for the automated system in building 6,  
 9 safety precautions in the area, lockout, tagout procedures,  
 10 safety trainings in the area, and in the general warehouse, in  
 11 the entire warehouse, when it, like -- to work on equipment and  
 12 power down things, but -- but the ASRS automation training is a  
 13 little different. It's just telling us, basically, the safest  
 14 procedures to work in the area.  
 15 **Q BY MR. WEDEKING: What's PPE stand for, Nahin?**  
 16 A Personal protective equipment, sorry.  
 17 **Q What kind of PPE do you wear around the ASRS?**  
 18 A I wear a hardhat. When working on something, I wear --  
 19 wear safety gloves. I will wear eye protection glasses, of  
 20 course, steel-toed boots.  
 21 **Q Can you tell me any policies that are specific just for**  
 22 **your maintenance?**  
 23 A Policies, where -- I don't -- I don't know. I don't --  
 24 let me think about that.  
 25 **Q Well, okay. What about -- what's -- what's CAFM?**

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1 A CAFM is our application program where --  
 2 **Q Who has access to it?**  
 3 A The -- as far as I know, only maintenance. But basically,  
 4 CAFM is where we create work orders for, let's say, out-of-  
 5 service equipment that needs to be addressed, or let's say,  
 6 like a clogged toilet, we would write it down. Basically, to  
 7 keep documentation of what's been done, what needs to be done,  
 8 what preventative maintenance task is coming up next, or what  
 9 permanent -- preventative maintenance task has been done.  
 10 Things like that.  
 11 MR. WEDEKING: Mr. Hearing Officer, I think that -- that I  
 12 am done with Nahin.  
 13 HEARING OFFICER FONG: Okay. That's fine. I have -- I  
 14 have a few follow-up questions. And if -- if subsequent to my  
 15 questions, you have additional questions thereafter, that's --  
 16 that's -- you can ask them as well, Mr. Petitioner.  
 17 Just some -- again, I just have some further questions to  
 18 clarify the record and it's my -- it's my duty to do so.  
 19 Backtracking a little bit, or jumping around, but your most  
 20 recent testimony talked about skills that you were provided  
 21 by -- by IKEA -- by IKEA, right?  
 22 THE WITNESS: You're talking about skills or safety  
 23 training?  
 24 HEARING OFFICER FONG: Maintenance skills, like -- yeah,  
 25 like technical computering (sic), electrical components. The

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1 maintenance skills you said you got trained from, did you get  
 2 those trainings from -- did you -- was that training provided  
 3 by IKEA?  
 4 THE WITNESS: I --  
 5 HEARING OFFICER FONG: Let me ask you, what -- what kind  
 6 of -- what kind of training specifically to maintenance has  
 7 IKEA provided to you as a -- as a maintenance employee?  
 8 THE WITNESS: Oh, okay. Mechanical -- mechanical  
 9 training, electrical training, conveyor training, like safety  
 10 procedures for them also.  
 11 HEARING OFFICER FONG: And how is this -- how is this  
 12 training? Is it given to you as an -- individually or as a  
 13 group?  
 14 THE WITNESS: As a group, but I -- yeah, as a group.  
 15 HEARING OFFICER FONG: And where -- where do -- where does  
 16 IKEA hold this training for you guys?  
 17 THE WITNESS: Most of the time, it could be on -- by the  
 18 equipment that we are being trained on. For example, a bailer  
 19 or the automation system and building -- so bailer would -- we  
 20 have various bailers in the southside building 5 where --  
 21 where -- where the waste sorters drop off the -- the waste.  
 22 Also, it could be at the maintenance shop, or sometimes it  
 23 could be in a private office inside of the administration area,  
 24 northside of building 1.  
 25 HEARING OFFICER FONG: And when you get training as a

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1 group, like the -- is it like -- like -- like the maintenance  
 2 coworkers in your particular shift?  
 3 THE WITNESS: Yeah, it's a --  
 4 HEARING OFFICER FONG: Or is it --  
 5 THE WITNESS: It could be -- it could be -- it could be  
 6 one or two shifts, usually, of maintenance technicians.  
 7 HEARING OFFICER FONG: And then -- and then when -- you --  
 8 when you are provided this training, you see your  
 9 maintenance -- do you see anybody else for this maintenance  
 10 training besides maintenance employees when you're being  
 11 trained? I mean, is it given to warehouse? Is it given to  
 12 stock controllers? Is it given it to anybody else besides  
 13 maintenance employees?  
 14 THE WITNESS: No.  
 15 HEARING OFFICER FONG: It's given only to you -- to  
 16 maintenance employees?  
 17 THE WITNESS: Yes.  
 18 HEARING OFFICER FONG: Okay. When -- when -- when you  
 19 got -- you said you've been working there for three years,  
 20 right?  
 21 THE WITNESS: Yes.  
 22 HEARING OFFICER FONG: Let me backtrack. Who -- who  
 23 normally gives -- who normally provides this training to you --  
 24 maintenance training?  
 25 THE WITNESS: It would either be our team leader, Robert

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1 Jones, or sometimes it might be the safety department,  
 2 depending if it's more a safety training.  
 3 HEARING OFFICER FONG: Again, if it's in the safety  
 4 department, who from the safety department would give the  
 5 training? Can you -- do you recall a name?  
 6 THE WITNESS: Nick -- Nick Castenada.  
 7 HEARING OFFICER FONG: Nick Castenada.  
 8 THE WITNESS: Yes.  
 9 HEARING OFFICER FONG: Okay. Nick Castenada, you said?  
 10 THE WITNESS: Yes.  
 11 HEARING OFFICER FONG: You consider him -- what -- what's  
 12 his job title?  
 13 THE WITNESS: Safety team leader.  
 14 HEARING OFFICER FONG: You sound very distant --  
 15 THE COURT REPORTER: I'm sorry --  
 16 HEARING OFFICER FONG: -- but --  
 17 THE WITNESS: He's a safety team leader.  
 18 HEARING OFFICER FONG: There you go. Yeah, there you go.  
 19 Okay. Thank you. That's better. Just stay close to your  
 20 microphone.  
 21 Okay. Let me ask you a little bit about -- just about --  
 22 do you -- are you -- your position as a maintenance employer,  
 23 do you consider yourself as wearing, like, a -- like, a formal  
 24 uniform?  
 25 THE WITNESS: Yes.

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1 HEARING OFFICER FONG: Okay. For the warehouse people, do  
 2 you consider them wearing a -- like, a formal uniform?  
 3 THE WITNESS: I mean, I -- I know that -- I know that all  
 4 they have to wear is steel-toe boots and orange safety vests.  
 5 HEARING OFFICER FONG: Okay. So all ware -- okay. So all  
 6 warehouse workers, you -- they have to assess, like, you've  
 7 seen they all wear safety vests?  
 8 THE WITNESS: Yeah, reflective orange safety vests, or --  
 9 or -- unless they're a temp agency, then a green -- green  
 10 reflective vest.  
 11 HEARING OFFICER FONG: Okay. Let's -- let's look at --  
 12 okay. And besides the safety vests, have you seen, in your  
 13 three years there, the general -- do the general warehouse,  
 14 are -- they pretty much wear everyday clothes?  
 15 THE WITNESS: Yes.  
 16 HEARING OFFICER FONG: Okay. So besides -- and they leave  
 17 their safety -- you witness warehouse workers wear -- wear --  
 18 THE WITNESS: Yes.  
 19 HEARING OFFICER FONG: -- regular clothes? Have you --  
 20 THE WITNESS: Yeah.  
 21 HEARING OFFICER FONG: -- witnessed warehouse --  
 22 THE WITNESS: The wear gym -- gym shorts, jeans.  
 23 HEARING OFFICER FONG: How about shorts? Can they wear  
 24 shorts?  
 25 THE WITNESS: Yeah, I've seen them with gym shorts.

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1 HEARING OFFICER FONG: Okay. T-shirts underneath the  
 2 vests in the warehouse?  
 3 THE WITNESS: T-shirts, yes.  
 4 HEARING OFFICER FONG: Are maintenance employees allowed  
 5 to do that?  
 6 THE WITNESS: Sometimes.  
 7 HEARING OFFICER FONG: Maintenance employees?  
 8 THE WITNESS: Are allowed to wear what?  
 9 HEARING OFFICER FONG: Are you -- are you -- are you  
 10 allowed to wear t -- t-shirts and shorts as a maintenance  
 11 employee when you're working?  
 12 THE WITNESS: Not shorts, no. Not shorts.  
 13 HEARING OFFICER FONG: Okay.  
 14 THE WITNESS: We're allowed to wear t-shirts sometimes,  
 15 though.  
 16 HEARING OFFICER FONG: Okay. How -- how -- how -- okay.  
 17 Let me show -- okay.  
 18 What about waste -- the waste sorters, or, slash,  
 19 cleaners, do they -- they wear a vest, too? You said they wear  
 20 a vest?  
 21 THE WITNESS: Yes.  
 22 HEARING OFFICER FONG: Okay. Underneath the vest, is it  
 23 the same wardrobe as the warehouse workers, or different?  
 24 THE WITNESS: They -- they wear -- mainly, they -- the  
 25 ones that are hired on wear -- they wear uniforms like the ones

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1 I described, the fire-retardant pants and fire-retardant long-  
 2 sleeve, but I have seen them occasionally wear regular clothes.  
 3 HEARING OFFICER FONG: Do you consider -- do you consider  
 4 the uniform you wear equivalent to that of what the waste  
 5 sorters wear, or different? And explain how different it is.  
 6 THE WITNESS: I -- I think -- I'm -- they look similar,  
 7 but I just don't know if it's made of the same fabric, same  
 8 material because ours is -- ours is a lot thicker in  
 9 maintenance. I just -- I don't know, ours is FRZ (phonetic).  
 10 I don't know if theirs is FRZ, but it -- it's -- yeah, I think  
 11 theirs is --  
 12 HEARING OFFICER FONG: Maintenance is FRZ?  
 13 THE WITNESS: Yes.  
 14 HEARING OFFICER FONG: What is FRZ?  
 15 THE WITNESS: Fire-retardant, I forget what the Z is.  
 16 HEARING OFFICER FONG: Okay. And then internal hauler,  
 17 that's a jockey -- jockey truck person?  
 18 THE WITNESS: Yeah, it sounds like it, yeah.  
 19 HEARING OFFICER FONG: And do they -- do they wear normal  
 20 clothes, or do they wear a uniform?  
 21 THE WITNESS: They wear normal clothes, but they also wear  
 22 a -- a fire-retardant -- well, I don't know if fire-retardant,  
 23 to be honest, but it looks -- it looks like the same material  
 24 as the waste sorter or cleaner. I -- our -- maintenance just  
 25 seems a lot thicker.

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1 HEARING OFFICER FONG: Okay. It's -- okay. Do you  
 2 consider the same type of uniform as maintenance that an  
 3 internal hauler would wear, from what you've seen?  
 4 THE WITNESS: No.  
 5 HEARING OFFICER FONG: How about -- did you say that you  
 6 know who a recovery coworker is?  
 7 THE WITNESS: Yes.  
 8 HEARING OFFICER FONG: Do they wear uniforms, or do they  
 9 wear normal clothes?  
 10 THE WITNESS: Normal clothes.  
 11 HEARING OFFICER FONG: What about the -- the stock  
 12 controller; do they wear uniforms or normal clothes?  
 13 THE WITNESS: Normal clothes.  
 14 HEARING OFFICER FONG: I'll go briefly on this, knowing  
 15 that I'll probably -- I'll elaborate more with Petitioner, but  
 16 just since we have you here, what's your interaction -- you  
 17 testified about your -- your -- your -- some interaction with  
 18 the warehouse coworkers. What's your interaction, if any, with  
 19 any -- with an internal hauler, or the jockey trucker, if any?  
 20 THE WITNESS: Usually, when -- when there's something  
 21 wrong with a C-train, like a door is unable to be opened, I  
 22 would -- usually, I'll have to saw off the latch that locks the  
 23 door. Or if there's something wrong with the -- with the --  
 24 with the truck itself, that I meant that maybe I can -- they'll  
 25 let me know and I -- I try to fix it or lock it up, tag it out,

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1 make a work order for it. Or they'll explain what the issue is  
 2 to me and I will try to address it. If I cannot, then I would  
 3 create a ticket, and by printing a ticket, I mean send it over  
 4 to our vender, Hyster Papay (phonetic), to troubleshoot or fix  
 5 whatever problem.  
 6 HEARING OFFICER FONG: And who -- who -- who -- and who is  
 7 the -- do you know who the supervisor is for the internal  
 8 hauler? Do you know?  
 9 THE WITNESS: I do not.  
 10 HEARING OFFICER FONG: A particular order for you -- for  
 11 you to do maintenance for -- related to internal hauler, who  
 12 would that come normally through besides the internal hauler?  
 13 It -- would it be a team lead?  
 14 THE WITNESS: Yes, my team lead, yes. Or -- or a team  
 15 of -- team lead from operations, but I don't know if -- if  
 16 the -- if the team lead for operations, for example, an SD team  
 17 leader, is his team lead. I'm not aware of that's their team  
 18 leader.  
 19 HEARING OFFICER FONG: I see. Most of the -- okay. Most  
 20 of the -- most of your work maintenance requests that you have  
 21 to do, do they come from management? Who would they come from?  
 22 A particular team lead? More than one?  
 23 THE WITNESS: Various -- various team leads. But usually,  
 24 if -- if it's something that can be fixed in about 15 minutes,  
 25 then I will address it on the spot, but if it's something

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1 that -- that -- so it could be from my own team lead. It could  
 2 be from another team lead. But usually, if it's something that  
 3 I can fix in under 15 minutes, then I can -- I will try to fix  
 4 it on the spot, but if it's something that may require more  
 5 time or that the -- or if I'm already on a different task that  
 6 kind of has priority -- that has priority over that, I will  
 7 either talk to my team lead, Robert Jones --  
 8 HEARING OFFICER FONG: And that's Robert -- Robert Jones,  
 9 right? Robert Jones?  
 10 THE WITNESS: Yeah, Robert Jones, to see if --  
 11 HEARING OFFICER FONG: Is he your direct team lead?  
 12 THE WITNESS: Yes. To see if what they need will take  
 13 priority over what I'm already doing, or if a work order needs  
 14 to be created on CAFM to address that issue later.  
 15 HEARING OFFICER FONG: Okay. And you said that Robert  
 16 Jones is a team lead for maintenance technicians, right?  
 17 THE WITNESS: He's second shift maintenance team leader.  
 18 HEARING OFFICER FONG: Okay. Okay. Second shift, and  
 19 that's your shift. And you said some other team leads also can  
 20 give you orders for maintenance requests besides the -- Robert  
 21 Jones?  
 22 THE WITNESS: I wouldn't say -- I wouldn't say orders.  
 23 They're more like requests.  
 24 HEARING OFFICER FONG: Okay. Requests. Besides Robert  
 25 Jones, which other team leader would come next in giving you

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1 requests? Can you mention a name and a department?  
 2 THE WITNESS: Well, above him would be Aaron Lucas.  
 3 HEARING OFFICER FONG: Oh, Aaron Lucas, okay. He's the  
 4 facility manager?  
 5 THE WITNESS: Yeah. And he -- he can directly give me a  
 6 task.  
 7 HEARING OFFICER FONG: Okay. Someone include -- someone  
 8 below him, like the -- the -- the level of a team lead, can  
 9 someone else besides Robert Jones, as a team lead, give you  
 10 order -- give you a request for maintenance?  
 11 THE WITNESS: Robert Jones gives me task orders.  
 12 HEARING OFFICER FONG: Okay. Can some -- can another team  
 13 lead give you task orders?  
 14 THE WITNESS: I would say more requests.  
 15 HEARING OFFICER FONG: I'm sorry, requests. Can another  
 16 team lead give you a request?  
 17 THE WITNESS: Yes, it's practiced, yes.  
 18 HEARING OFFICER FONG: Who? Who? Give me a name.  
 19 THE WITNESS: Chris Bates, Sandra --  
 20 HEARING OFFICER FONG: What department -- what department  
 21 is he from?  
 22 THE WITNESS: SD.  
 23 HEARING OFFICER FONG: Is that warehouse?  
 24 THE WITNESS: SD operations.  
 25 HEARING OFFICER FONG: Remind me what SD operations is?

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1 THE WITNESS: SD operations is tasked with stock --  
 2 keeping -- offloading C-trains or trailers, keeping --  
 3 unloading product from these trailers and C-trains, putting  
 4 them in their designated locations, and then essentially  
 5 providing product and stock to our retail stores.  
 6 HEARING OFFICER FONG: What percentage of the requests  
 7 would you say come from your immediate shift supervisor, Robert  
 8 Jones?  
 9 THE WITNESS: 85 percent.  
 10 HEARING OFFICER FONG: Okay.  
 11 THE WITNESS: 80 to 85 percent.  
 12 HEARING OFFICER FONG: Okay.  
 13 MR. WEDEKING: Mr. Hearing Officer, I feel that the -- the  
 14 term request and orders are just kind of getting confused when  
 15 it comes to --  
 16 HEARING OFFICER FONG: Correct me, what's the  
 17 difference -- what's the terminology for that, please?  
 18 MR. WEDEKING: I would say that -- I just feel that --  
 19 that when you say -- when you say -- when he says that you can  
 20 request work be done, it's -- it's confused with --  
 21 HEARING OFFICER FONG: Because you --  
 22 THE WITNESS: Can I add?  
 23 HEARING OFFICER FONG: Yeah, go ahead.  
 24 THE WITNESS: A request -- the -- the -- a request are  
 25 when -- when a team leader from operations contacts me, it's

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1 usually -- it's something that happened in the moment, an  
 2 issue, like an equipment crashed in aisle 400, building 4, and  
 3 the alarm went off, and he'd be like, hey, can you come to  
 4 building 4 to reset the alarm and check out the equipment. I  
 5 mean, everything is fine. So that is mainly to keep flow  
 6 moving, to keep other coworkers, you know, from stalling, from  
 7 performing their tasks.  
 8 Whereas an order is Bob telling me, hey, this equipment --  
 9 this chain broke; go fix it. This -- this chain in building 6,  
 10 conveyor -- the hydro conveyor broke, or it needs to be  
 11 replaced; go replace that, you know. Or hey, I put this work  
 12 order in your box to go unclog this toilet --  
 13 HEARING OFFICER FONG: But again, what about a ticket --  
 14 I'm sorry, what about the -- the term ticket; was I  
 15 misclassifying it? What's a ticket?  
 16 THE WITNESS: A ticket is -- is -- is -- a ticket could  
 17 be -- I don't -- a ticket is basically a material handling  
 18 equipment that has -- is out of service and that it needs to be  
 19 fixed, so we will place it to the vender to fix that out.  
 20 HEARING OFFICER FONG: Okay. But does that exist as well?  
 21 The terminology exists in your world -- in your work world?  
 22 THE WITNESS: What's that?  
 23 HEARING OFFICER FONG: But --  
 24 THE WITNESS: A ticket is mainly just for our -- our  
 25 contractors, our vendors, Hyster. A work order is more

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1 something that I'm -- I have to perform a job function that --  
 2 a PM could be a work order, like, hey, go lubricate this -- go  
 3 lubricate this -- this pillow block on this conveyor.  
 4 HEARING OFFICER FONG: And when you testified earlier that  
 5 Robert Jones gave you 85 percent of -- or 80 to 85 percent, you  
 6 were referring to -- to what aspect of these three terms?  
 7 THE WITNESS: Work orders.  
 8 HEARING OFFICER FONG: Okay. And what about requests;  
 9 same question. Who would give you most of your requests? What  
 10 percent -- what percentage would Robert Jones give you a  
 11 request?  
 12 THE WITNESS: A request, I don't know if any at all  
 13 because I just feel like if -- if -- if --  
 14 HEARING OFFICER FONG: Who do they come from, the work  
 15 request?  
 16 THE WITNESS: The work -- the work order comes from Robert  
 17 Jones.  
 18 HEARING OFFICER FONG: Okay.  
 19 THE WITNESS: So basically, if -- if I get a request or --  
 20 from a team lead, and I'm -- and I'm already on a different  
 21 task, and I have to report to Robert Jones and be like, hey,  
 22 Bob, what do you want me to do? I'm sorry, hey, Robert Jones,  
 23 what do -- what do you want me to do, you know? So I will have  
 24 to go with what he says, and that's basically an order versus a  
 25 request.

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1 HEARING OFFICER FONG: Okay. Because he's your -- he's  
 2 your immediate supervisor. He's saying --  
 3 THE WITNESS: That's correct.  
 4 HEARING OFFICER FONG: -- that the ultimate as to how --  
 5 THE WITNESS: Because he doesn't -- he doesn't really  
 6 require me --  
 7 HEARING OFFICER FONG: Okay. Has there been an  
 8 occasion -- has there been an occasion where you got requests  
 9 from other -- from other -- other one than Robert Jones and you  
 10 go to Robert Jones ultimately to get approval as to which has  
 11 more priority than the other?  
 12 THE WITNESS: That's correct. When I --  
 13 HEARING OFFICER FONG: Ultimately -- ultimately you go to  
 14 Robert Jones when -- when -- to -- to -- to determine and  
 15 conclude which request from different team leads have priority?  
 16 THE WITNESS: Yes.  
 17 HEARING OFFICER FONG: All right. Thank you.  
 18 What about -- what about your interaction with -- with,  
 19 like, a -- with, like, a cleaner? Is there -- is there -- is  
 20 there any interaction with cleaners? Explain a little bit on  
 21 that.  
 22 THE WITNESS: Yeah. Yes. Usually, if -- like, I have --  
 23 if I have -- if something's too heavy for me, then I will  
 24 req -- I will request to, hey, can you help me pick this up?  
 25 Or, hey, if I'm, say, performing a preventative maintenance or

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1 I'm adjusting a motor and I need him to hold the flashlight,  
 2 I'll be like, hey, can you hold this flashlight for me because  
 3 I can't -- I can't work with -- I have to have both of my hands  
 4 on this. Or a cleaner, I'll -- I'd be like, hey, can you -- I  
 5 would request -- I'd be like, hey, can you drop off this pallet  
 6 over here because we need it to -- I -- I need all this  
 7 material in here to fix this concrete floor.  
 8 HEARING OFFICER FONG: How about if you spill something?  
 9 Who -- who would you -- there's a spill, or you spill some oil  
 10 or something, has that ever happened? And if so, would you --  
 11 is that when you would call a cleaner to do? Or --  
 12 THE WITNESS: Yeah, I would be like, hey, can you bring  
 13 some cones? And then -- can you bring me some cones, some --  
 14 to barrier off this --  
 15 HEARING OFFICER FONG: How about turning a bolt or  
 16 getting -- getting into a piece of equipment and touching it  
 17 or --  
 18 THE WITNESS: No. No, because they have not received that  
 19 safety training.  
 20 HEARING OFFICER FONG: Okay.  
 21 THE WITNESS: So I -- yeah, I would not be able to press  
 22 that.  
 23 HEARING OFFICER FONG: Okay. I'm sorry, did I ask you  
 24 about your interaction -- if I did, let me know, but what about  
 25 your interaction with a recovery coworker? Do you -- how do

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1 you interact on a daily basis or weekly basis, if any, to  
 2 the --  
 3 THE WITNESS: Basically, it's the same way -- basically  
 4 the same as a general warehouse coworker. If they have -- if  
 5 there -- if there's something malfunctioning and then they need  
 6 to let me know about it so I can address it, or they're on a  
 7 piece of equipment that is malfunctioning, then they'll let me  
 8 know about it and I will address it if I can.  
 9 HEARING OFFICER FONG: Again, when you're there addressing  
 10 it, do they working with you, or do they stand on the side?  
 11 THE WITNESS: They stand on the side and I will -- I will  
 12 kind of just tell them to describe me the symptoms of what's  
 13 going on, but as far as them putting hands on it, they are not  
 14 allowed to.  
 15 HEARING OFFICER FONG: Okay. Is there an occasion where  
 16 you need assistance from another -- if you need assistance from  
 17 another person, like things get complicated, do you call  
 18 another maintenance coworker? Or is there anybody else that  
 19 you can call?  
 20 THE WITNESS: Prefer -- preferably a maintenance coworker.  
 21 HEARING OFFICER FONG: Why? Why a maintenance coworker  
 22 preferably?  
 23 THE WITNESS: Because they've been -- they've been --  
 24 they've received the safety training, or they have the skills  
 25 to help me, say, on a conveyor, whereas a recovery coworker

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1 doesn't know how the -- how to -- how a chain might rotate on a  
 2 function -- on a motor. They don't have the skills to  
 3 troubleshoot, whereas --  
 4 HEARING OFFICER FONG: Okay. I just have a few more  
 5 questions. We'll probably finish in 15, 20 minutes, maybe  
 6 perhaps less. I'll let you go before lunch, okay, if that's  
 7 okay for you?  
 8 THE WITNESS: Yes.  
 9 MS. INESTA: Mr. Hearing Officer, I just want to put on --  
 10 I do want to object to a lot of this line of questioning with  
 11 respect to foundation. Witness lacks personal knowledge.  
 12 That -- it's beyond witness' knowledge with respect to what  
 13 skills his coworkers have, what safety training they have or  
 14 have not received. I just want to make that clear for the  
 15 record.  
 16 HEARING OFFICER FONG: All right. So noted. So noted.  
 17 Thank you, Ms. Employer's Counsel. That will be noted. You  
 18 made your objection and you're on the record and that will be  
 19 noted for the decision writer, okay. Thank you so much.  
 20 What about your -- what about any interaction with the  
 21 stock controller? Can you talk about that?  
 22 THE WITNESS: It's the same as a general warehouse  
 23 coworker. If there's something that they notice that needs to  
 24 be addressed, for example, like a -- say again, like a -- like  
 25 a leak on a -- on a -- on a forklift, I'd be like, hey, this --

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1 this forklift is leaking; can you take a look at it? They'll  
 2 be like, yeah, hey -- and I'd be like, yeah, perfect; let me  
 3 take a look at this, you know? And -- yeah.  
 4 HEARING OFFICER FONG: Okay. Okay.  
 5 THE WITNESS: Or, hey, this chair broke. Do you think you  
 6 can put it back together, or what do I do with it? And I'll  
 7 determine if it's fixable or beyond repair and needs to be  
 8 thrown away.  
 9 HEARING OFFICER FONG: All right. I get it. I get it.  
 10 Have you -- do -- has there ever -- have you -- let me  
 11 phrase this properly. Have you been asked to trans -- to do  
 12 work in other departments besides maintenance? I mean, as a --  
 13 say if somebody -- say somebody from -- from the cleaner --  
 14 let's say if a waste sorter or a cleaner is absent, have you  
 15 ever been asked to fill up for -- for -- for that waste sorter?  
 16 THE WITNESS: I have not.  
 17 HEARING OFFICER FONG: Do you know any other maintenance  
 18 coworker that has ever been asked to fill up for a cleaner  
 19 who's absent?  
 20 THE WITNESS: I have not.  
 21 HEARING OFFICER FONG: Okay. Have you ever -- have you --  
 22 have you been asked to fill up -- same question, but when an  
 23 internal hauler is absent, have you ever been asked to fill up,  
 24 to do the internal hauler work?  
 25 THE WITNESS: I have not.

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1 HEARING OFFICER FONG: Same question for a recovery  
 2 worker, have you been asked to fill up for absent recovery  
 3 coworker?  
 4 THE WITNESS: I have not.  
 5 HEARING OFFICER FONG: Same question for a stock  
 6 controller.  
 7 THE WITNESS: I have not.  
 8 HEARING OFFICER FONG: Same question for a warehouse  
 9 coworker.  
 10 THE WITNESS: I have not.  
 11 HEARING OFFICER FONG: And don't worry, you know, we  
 12 understand you got family and stuff, so -- so we get it. No  
 13 worries. We have kids. I have a 9- and an 11-year-old, so.  
 14 He's been really good. I would have been like -- I'm glad I  
 15 haven't seen a -- a slap from the side, so --  
 16 THE WITNESS: No.  
 17 HEARING OFFICER FONG: -- hang in there. Hang in there.  
 18 THE WITNESS: No.  
 19 HEARING OFFICER FONG: We're almost done. Do you know  
 20 whether any of your maintenance coworkers have any come -- have  
 21 any of the maintenance coworkers that you know of -- have any  
 22 of them been promoted from any other positions from the ware --  
 23 from the facility? Have they ever been promoted as a -- has a  
 24 cleaner ever been promoted to a maintenance employee that you  
 25 know of?

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1 THE WITNESS: No, not that I'm aware of.  
 2 HEARING OFFICER FONG: Okay. Are you aware of any --  
 3 any -- whether an internal hauler, recovery coworker, or a  
 4 stock employee, are you aware whether any of those have been  
 5 promoted to the position of maintenance coworker?  
 6 THE WITNESS: Not that I'm aware of.  
 7 HEARING OFFICER FONG: Same question for a warehouse  
 8 controller; any warehouse coworker been promoted to maintenance  
 9 that you know -- are aware of?  
 10 THE WITNESS: Not that I'm aware of.  
 11 HEARING OFFICER FONG: Is most of your work -- if you can  
 12 even answer on the question. You tell me. Is most of your  
 13 work inside the -- inside the warehouse, any of the particular  
 14 buildings? If you can give me a percentage, of like the work  
 15 that you do inside the warehouse as to the work that you do  
 16 outside, like in the maintenance shed outside of the facility?  
 17 What percentage of your work do you do inside the maintenance?  
 18 THE WITNESS: I would say --  
 19 HEARING OFFICER FONG: Inside the -- I mean the buildings.  
 20 THE WITNESS: I would say 80 percent is --  
 21 THE COURT REPORTER: I can't hear the witness.  
 22 THE WITNESS: I would -- I would say that 80 -- I would  
 23 say 80 percent of the work is inside the warehouse, 20 percent  
 24 outside. And my -- I would say that of the 80 percent inside  
 25 the warehouse, 80 percent of my work is at automation in

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1 building 6.  
 2 HEARING OFFICER FONG: Okay. Who -- who else besides  
 3 maintenance work is in building 6?  
 4 THE WITNESS: Besides maintenance workers, it's general  
 5 warehouse coworkers in the CDC department, and as CDC team  
 6 leaders.  
 7 HEARING OFFICER FONG: Okay. When you -- when you -- when  
 8 the 15 to 20 percent when you worked outside of the facility  
 9 building, those six buildings you noted, who else -- who else  
 10 do you see working outside?  
 11 THE WITNESS: The -- the jockey drivers.  
 12 HEARING OFFICER FONG: And obviously, because they're  
 13 driving the trucks, right?  
 14 THE WITNESS: That's correct.  
 15 HEARING OFFICER FONG: That needs to be outside.  
 16 THE WITNESS: Yes.  
 17 HEARING OFFICER FONG: Okay. Besides the jockey drivers,  
 18 do you see anybody else from -- do you see any -- anybody  
 19 else -- any cleaners outside?  
 20 THE WITNESS: I see them -- I see -- I only see cleaners  
 21 outside when they're taking out a -- or actually, no. No, I do  
 22 not.  
 23 HEARING OFFICER FONG: Okay.  
 24 THE WITNESS: Because I -- because I -- because I don't  
 25 know -- I've seen Oscar Miranda outside an awful lot.

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1 HEARING OFFICER FONG: Doing what? Oscar Miranda; you've  
 2 seen him a lot outside doing what?  
 3 THE WITNESS: Organizing, moving around pallets, moving  
 4 around just the type of material, throwing away pallets,  
 5 throwing away metal waste.  
 6 HEARING OFFICER FONG: He's a waste sorter?  
 7 THE WITNESS: I -- as far as I know, I thought he was a --  
 8 I think he's a preventative maintenance technician.  
 9 HEARING OFFICER FONG: Okay. And when you see -- when you  
 10 see this particular Oscar Miranda outside, what percentage of  
 11 his -- when you say a lot, what percentage of the work do you  
 12 think he would be outside?  
 13 THE WITNESS: Of his work?  
 14 HEARING OFFICER FONG: When you see him? As far as you  
 15 seeing him?  
 16 THE WITNESS: I'd say about -- well, I -- the thing is, he  
 17 works in first shift, so I -- he leaves at, I think, 3 or 2:30.  
 18 HEARING OFFICER FONG: Okay. Well, that answered my  
 19 question. That answered it. So thank you; I'll move on.  
 20 THE WITNESS: Okay.  
 21 HEARING OFFICER FONG: What about recovery coworkers, do  
 22 you ever see them outside working outside of the facility?  
 23 THE WITNESS: I do not.  
 24 HEARING OFFICER FONG: Stock controller, out -- working  
 25 out -- have you seen them outside of the facility?

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1 THE WITNESS: I do not.  
 2 HEARING OFFICER FONG: And warehouse coworker?  
 3 THE WITNESS: I do not.  
 4 HEARING OFFICER FONG: You get paid -- you get paid  
 5 biweekly?  
 6 THE WITNESS: That's correct.  
 7 HEARING OFFICER FONG: When -- when is the last time you  
 8 got paid?  
 9 THE WITNESS: Let me pull up the exact date.  
 10 HEARING OFFICER FONG: And what -- and on which day also,  
 11 Fridays, Mondays?  
 12 THE WITNESS: Every -- every Thursday or Friday, depends  
 13 what -- sometimes it varies on -- because I have direct  
 14 deposit, so it depends.  
 15 HEARING OFFICER FONG: Okay.  
 16 THE WITNESS: So I'm -- we're going to get paid this  
 17 Friday, the 16th. So the last time I got paid was October 2,  
 18 2020.  
 19 HEARING OFFICER FONG: So every two weeks?  
 20 THE WITNESS: That's correct.  
 21 HEARING OFFICER FONG: Okay. You had conversation with  
 22 the warehouse workers. Do you know what -- when -- when all --  
 23 when do they get paid?  
 24 THE WITNESS: I -- they get paid at -- as the same -- the  
 25 same dates we do.

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1 HEARING OFFICER FONG: How do you know that?  
 2 THE WITNESS: Conversations.  
 3 HEARING OFFICER FONG: Okay. How about with the -- have  
 4 you had conversations with the clean -- as far as you're  
 5 concerned, does everybody else get paid the same, on the same  
 6 day you do?  
 7 THE WITNESS: That's correct.  
 8 HEARING OFFICER FONG: Is that because you've had  
 9 conversations with -- with particular job classifications?  
 10 THE WITNESS: That's correct.  
 11 HEARING OFFICER FONG: Okay. Did you get an employee  
 12 manual when you first started?  
 13 THE WITNESS: I got a job description sheet. I don't know  
 14 if that would be a manual.  
 15 HEARING OFFICER FONG: Do you get -- do you get memos,  
 16 like -- like do you get supervisory memos, particularly to the  
 17 maintenance?  
 18 THE WITNESS: Yeah, that's correct, and I also give out  
 19 logs of things that have gone through throughout the day, but  
 20 yeah, I definitely -- I do receive various memos.  
 21 HEARING OFFICER FONG: And are those -- how do you know  
 22 those are only to the maintenance employees?  
 23 THE WITNESS: We have a -- a group of -- it's called the  
 24 office of liaison and it's basically the -- the facility  
 25 department.

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1 HEARING OFFICER FONG: Okay. And you see -- you see --  
 2 you see the email being sent? You see the -- do you see the --  
 3 your coworker maintenance names in the -- in the memos?  
 4 THE WITNESS: That's correct.  
 5 HEARING OFFICER FONG: When you issue the logs, you say  
 6 you give the logs to who?  
 7 THE WITNESS: It depends. I -- I hand them out to various  
 8 departments. It could be -- it could be article  
 9 administration, which is, I believe, stock control. I -- it  
 10 could be to SD team leaders, CDC team leaders. Just basically  
 11 telling them of what -- what went on throughout -- throughout  
 12 the day as far as maintenance: what equipment is down, what's  
 13 in service, what's working, what's not, what conveyor is down,  
 14 what conveyor --  
 15 HEARING OFFICER FONG: Okay. But the maintenance logs,  
 16 are they part of your duty? Part of your work duties?  
 17 THE WITNESS: That's correct.  
 18 HEARING OFFICER FONG: And you -- you issue those on a  
 19 daily, weekly -- or on a weekly basis?  
 20 THE WITNESS: Daily.  
 21 HEARING OFFICER FONG: And who do you give that to?  
 22 THE WITNESS: Who do I what?  
 23 HEARING OFFICER FONG: Who do you give those logs to,  
 24 again?  
 25 THE WITNESS: I could -- it's CDC team leaders, CD -- SD

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1 team leaders, and people -- people from stock control that  
 2 were -- yeah.  
 3 HEARING OFFICER FONG: Okay. I'm going to follow up --  
 4 I'm going to follow up with that from with Petitioner because I  
 5 know we've gone beyond your -- your time -- your timespan, so I  
 6 appreciate that. We're almost done.  
 7 THE WITNESS: Yeah.  
 8 HEARING OFFICER FONG: Any additional questions you have,  
 9 Mr. Petitioner, as a result of my questions, then you can go  
 10 ahead and ask. Otherwise, you can -- you're free to do with  
 11 what your witness as you wish.  
 12 MR. WEDEKING: I think.  
 13 RESUMED DIRECT EXAMINATION  
 14 **Q BY MR. WEDEKING: Can another department give you an**  
 15 **order, Nahin?**  
 16 A Order? I've never received an order from a different team  
 17 lead in a different department. I've received requests, but I  
 18 don't -- I -- I can't really -- I don't -- it doesn't feel like  
 19 an order. It's more -- it feels more like a request and I've  
 20 never -- the only person I really answer to is Robert Jones or  
 21 Aaron Lucas, so.  
 22 MR. WEDEKING: That's it. I'm done, Mr. Hearing Officer.  
 23 HEARING OFFICER FONG: Okay. I don't have anything  
 24 further. Thank you so much for your time, Nahin.  
 25 THE WITNESS: No problem. Thank you.

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1 HEARING OFFICER FONG: We appreciate it. And then  
 2 you're -- you're off the -- you're off the hook, so to speak.  
 3 THE WITNESS: Okay. Sounds good. Thank you. I  
 4 appreciate it for the time.  
 5 HEARING OFFICER FONG: Thank you.  
 6 Okay. All right. It's about 11:40 -- 11:48, 11:50, so I  
 7 think this is probably a good break to -- to take. Let me --  
 8 let me just clarify maintenance on Petitioner's Exhibit 2,  
 9 which is the -- the facility -- the facility map introduced by  
 10 the Petitioner, which is the one that's like, you know -- it  
 11 looks like a management hierarchy by -- by job title and -- and  
 12 department.  
 13 Mr. Petitioner, can you explain to us how you come about  
 14 coming -- how you came -- and you know, there's no issue here  
 15 about -- I don't see any issue about confidentiality, so I'm  
 16 not going for that at all. I'm just -- I'm just want to know  
 17 the -- set some foundation for introduction of that exhibit.  
 18 Ultimately, even with the -- objections, ultimately, I intend  
 19 to introduce it, depending on what foundation we can lay out.  
 20 But can you tell me -- can you explain to us, for  
 21 everybody to know, how you came about drafting it? Or you just  
 22 pulled it from, like, one of IKEA's server or something? And  
 23 again, I'm not -- I'm just going for purposes of foundation to  
 24 establish that this is a proper IKEA document or something  
 25 like --

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1 MR. WEDEKING: So you're talking about the hierarchy?  
 2 HEARING OFFICER FONG: -- that. Yeah.  
 3 MR. WEDEKING: The hierarchy?  
 4 HEARING OFFICER FONG: Yeah. How did you come about  
 5 what -- let me ask you this, was this something you produced,  
 6 or was this something generated straight out from IKEA's  
 7 server?  
 8 MR. WEDEKING: No. No. That's something that I -- I made  
 9 to show.  
 10 HEARING OFFICER FONG: Okay. And again, you know, if it's  
 11 something from IKEA's server that's public, that's okay, too.  
 12 I'm not trying to scare you or anything.  
 13 MR. WEDEKING: This is just from -- from my eight years  
 14 of -- of working there, working with the team leads and the  
 15 departments in ways that -- that -- well, there's also a -- a  
 16 big, giant monitor, if you will, of the supervisors in the  
 17 warehouse.  
 18 HEARING OFFICER FONG: Okay.  
 19 MR. WEDEKING: And that is actually broken down into  
 20 departments, versus down into smaller departments and stuff.  
 21 Just work -- from working with coworkers and team leads,  
 22 talking to them on breaks, it's -- it's really clear to see  
 23 that -- which managers are in charge of this manager. It's  
 24 pretty -- it's really common knowledge that that --  
 25 HEARING OFFICER FONG: Okay. And have you also seen a

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1 chart similar to this? Have you seen a chart similar to this  
 2 from IKEA?  
 3 MR. WEDEKING: No, not -- not exactly with that layout.  
 4 There is a -- a monitor on the wall that -- that shows the  
 5 managers, the supervisors, and if they're in the building or  
 6 not, and that thing -- and it's touchscreen, and they could,  
 7 like, turn the little circle green to say if they're in the  
 8 building or not. And that -- that is broken down into  
 9 departments for the team leads and stuff. So it's -- it's --  
 10 but I'm -- if you're talking to a coworker on a break or  
 11 something and they're referring to their team lead, it's --  
 12 it's pretty common knowledge that --  
 13 HEARING OFFICER FONG: All right. Okay. Based on that,  
 14 I'm inclined to -- even over objection that I anticipate, I'm  
 15 inclined to introduce this Petitioner's 2. But I'll make the  
 16 ruling momentarily.  
 17 So you're saying based on your eight years' experience in  
 18 working with the -- with the -- particularly at the facility,  
 19 this is something that -- that -- that you see as accurate?  
 20 MR. WEDEKING: Yes.  
 21 HEARING OFFICER FONG: And then would you be able to -- if  
 22 I -- when we come back after lunch, if I ask you the particular  
 23 names of people who are -- who hold those -- who hold -- who  
 24 fit into those boxes, would you be able to give me that  
 25 information?

<p style="text-align: right;">Page 98</p> <p>1 MR. WEDEKING: Yes. For -- there's a lot of those that 2 are -- there's multiple ones per shifts. I can tell you the 3 ones for first and second because I've worked first and second. 4 HEARING OFFICER FONG: Um-hum. 5 MR. WEDEKING: But there are third-shift counterparts to 6 each one of those team leads, but the names of those team 7 leads, I -- I couldn't -- because I have not directly worked 8 with them, but I do know that there are third-shift team lead 9 versions of those things. But yes, I could give you names. 10 HEARING OFFICER FONG: Okay. Employer's counsel, I'm 11 inclined to introduce this document. What is your position? 12 MR. HART: Yes. This is -- this is not properly 13 introduced. There are a number of problems with this. First 14 of all, there's -- there's not been a proper foundation laid 15 with regard to this document. 16 Second of all, it's hearsay. It's not an official IKEA 17 record. It's not a business record. It's -- it's -- there's 18 absolutely not an exception to the hearsay rule that's been 19 articulated. 20 Third, this isn't the best evidence. There is an official 21 IKEA organization chart for the Tejon facility, and that is the 22 proper record to be introduced for purposes of showing the 23 organizational breakdown of the Tejon facility. This is just 24 simply not accurate. 25 HEARING OFFICER FONG: Are you willing to -- I do agree</p>	<p style="text-align: right;">Page 100</p> <p>1 HEARING OFFICER FONG: That seems -- that seems like the 2 proper thing to do. With that being said, can we -- perhaps 3 during lunch break, can you guys email the parties the -- the 4 official chart? 5 MR. HART: Yes. 6 HEARING OFFICER FONG: And then we'll go from there. 7 MR. HART: Yes. 8 HEARING OFFICER FONG: Thank you for that. 9 You know, Petitioner's 3, same question. I'm going to 10 have to just make the same issue on that. If you -- Mr. 11 Petitioner, where did go -- did you say you download -- you 12 downloaded this document from the server? 13 MR. WEDEKING: From the IKEA server, yeah. There's a 14 public drive and then there's a common drive, and I got that 15 under the maintenance common public drive. 16 HEARING OFFICER FONG: Okay. Based on that, I'm inclined 17 to enter -- allow that into -- for the -- the Petitioner's 18 exhibit. Again, for what it's worth. Most of the testimony 19 will be -- most of the evidence on this structure will come 20 from the witnesses' testimony, but the -- the -- it's always 21 nice to see a pictorial depiction of the facility. 22 Any issues -- what's your -- what's your take on that, Mr. 23 Employer, and are you willing to provide a similar chart, which 24 we just cut to the chase? 25 MS. INESTA: If this is on the drive, what we would be</p>
<p style="text-align: right;">Page 99</p> <p>1 that, obviously, the best evidence rules would be -- would 2 be -- would be to have the actual department -- departmental 3 management structure chart. Absent that, let me ask you this, 4 I mean, are you -- I'll talk to the RD about this, but for 5 purposes of -- you know, this is not going to the community of 6 interest. It's directly, I see, it's just a -- a chart that 7 will help assist everyone with his testimony. 8 He has testified that he -- he did this from his actual 9 experience being at the facility for eight years or so. On 10 that basis, I'm going to submit it. But with that said, I will 11 obviously entertain the actual best evidence rule. Are you 12 willing to -- to provide that chart? If so, we can introduce 13 that instead of this. Obviously, having the -- the Petitioner 14 having reviewed it and see what his thoughts on those are. If 15 it's a legitimate chart document, I wouldn't anticipate any 16 issues from the Petitioner. So are you willing to -- to -- 17 then subject to having this go into record because we don't 18 have the best evidence rule, are you -- 19 MR. HART: Yes, we would provide -- we'd provide the 20 official work chart for the Tejon facility. 21 HEARING OFFICER FONG: Okay. Then if that is provided, 22 Mr. Petitioner, and you review it, and obviously, I assume that 23 it will be -- it will be agreeable, are you okay with 24 introducing that chart as well? 25 MR. WEDEKING: Absolutely. Absolutely.</p>	<p style="text-align: right;">Page 101</p> <p>1 willing to do is provide the chart with all of the mark -- 2 without all of those markings. 3 HEARING OFFICER FONG: That's fine. I think that would 4 work. 5 MS. INESTA: Yeah. 6 HEARING OFFICER FONG: There have been testimonies -- 7 there's been testimony already as to, you know, maintenance 8 sheds behind each -- each building and that the Petitioner will 9 be able to, in your direct testimony, to provide anything 10 additional you want. But for purposes of -- of a cleaner 11 record, I'm pretty sure the Employer's assistance on that, and 12 if perhaps you can locate a similar chart on that during the 13 lunch break, or you need to do it afterwards, we'll give you 14 the proper time to do so. 15 And again, with Pet -- with the Petitioner's 16 understanding, would that work for you, Mr. Petitioner? 17 MR. WEDEKING: Yes. 18 HEARING OFFICER FONG: All right. Thank you, everyone 19 thank you for everyone's cooperation for a cleaner, more 20 accurate record. 21 MS. INESTA: Thank you. 22 HEARING OFFICER FONG: Real quick, and then I'll give 23 everyone -- I'll everyone an hour. Don't worry, we're going 24 into a lunch break; everyone's going to have an hour. I'm not 25 here to, like, starve anybody. And I know people have things</p>

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1 to attend to, so I'll give everyone an hour if we go beyond  
 2 noon.  
 3 Again, just to foresee -- foreseeable issues, chart number  
 4 4, that's everyone -- if everyone can look at the Petitioner's  
 5 Exhibit Number 4. It looks to me -- and I figure it out that  
 6 it's -- I printed it and -- and I guess I put it next to each  
 7 other in a horizontal manner, and I see that those kind of  
 8 connect.  
 9 Can you explain to us, Petitioner, what -- what it is?  
 10 What Petitioner's 4 is?  
 11 MR. WEDEKING: So this is a list of -- it's a spreadsheet  
 12 with the list of the people that are in facilities and their  
 13 job classifications. And the -- the training on the top is --  
 14 I the maintenance training for the people in facilities. These  
 15 are all -- the red areas area all just different subjects of  
 16 the safety training.  
 17 HEARING OFFICER FONG: Okay.  
 18 MR. WEDEKING: That we have.  
 19 HEARING OFFICER FONG: Okay. And then when you say --  
 20 when you say, you know, on the job classification facility --  
 21 facilities technician first, is that like a maintenance  
 22 technician?  
 23 THE WITNESS: That's the shift that each -- each  
 24 technician is working.  
 25 HEARING OFFICER FONG: Okay. But you know, okay. They're

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1 really -- the job classification at issue here is maintenance  
 2 technician. Is that the same as facilities technician?  
 3 MR. WEDEKING: It -- for this document, yes, it is.  
 4 HEARING OFFICER FONG: For this document, so when you say  
 5 facilities technician, you're referring to maintenance  
 6 technician?  
 7 MR. WEDEKING: Correct.  
 8 HEARING OFFICER FONG: Okay. And then -- okay. Okay.  
 9 What about what -- okay, waste sorter. We have evidence on  
 10 that. That, I assume, that it means you're referring to the  
 11 cleaner, right?  
 12 MR. WEDEKING: Correct.  
 13 HEARING OFFICER FONG: Okay. Certainly, I'm going to  
 14 allow testimony on -- on what a facilities technician, as  
 15 yourself, you can go ahead and testify as to all those, and I  
 16 think it will help the record for you to testify as to all  
 17 those -- those -- those trainings that I see on red at the top.  
 18 How do you know -- how do you know, let's say -- let's say  
 19 addressing the -- the waste sorter or the cleaners --  
 20 MR. WEDEKING: Yes.  
 21 HEARING OFFICER FONG: -- how do you know what -- like  
 22 which -- who do you know which training has been given? And I  
 23 take it yellow means they've gotten the training. White means  
 24 they haven't gotten the training. How do you know what IKEA  
 25 has -- what training IKEA has given to the cleaners?

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1 MR. WEDEKING: So I do believe that this is a spreadsheet  
 2 for -- for 2021, and so I don't think that any of these have  
 3 the -- I think that once an employee gets the training, each  
 4 yellow box will be filled in with completed or something like  
 5 that. This is -- this is a -- this was actually -- the team  
 6 leader that's in charge of safety training --  
 7 HEARING OFFICER FONG: Uh-huh.  
 8 MR. WEDEKING: -- this was the -- was his spreadsheet that  
 9 he made up.  
 10 HEARING OFFICER FONG: Okay. Good. Good. Good. Okay.  
 11 So this is -- this is -- this spreadsheet is -- is -- was --  
 12 was created by -- by a team lead?  
 13 MR. WEDEKING: That's correct.  
 14 HEARING OFFICER FONG: But it gives the information that's  
 15 in the spreadsheet; you got it from one that was created by a  
 16 team lead?  
 17 MR. WEDEKING: Yes. So -- so on the maintenance drive --  
 18 in the public drive, the common drive, the maintenance drive,  
 19 this was under training and it was a read-only, so that you  
 20 couldn't -- couldn't give yourself training.  
 21 HEARING OFFICER FONG: I see.  
 22 MR. WEDEKING: So -- so this is a secured document from  
 23 somebody tampering with it. This is just a read-only version.  
 24 HEARING OFFICER FONG: Okay. So did you print this chart  
 25 again? I'm not -- I'm not -- I'm not going for, again, and

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1 obviously, we can talk about this later, but I don't think --  
 2 I've never, ever seen it and I expect -- I don't expect to see  
 3 any employer going after an employee. When it's something  
 4 totally confidential or something, then we can address it, but  
 5 I don't expect that here. So I'm not going on that respect.  
 6 So I'm going to pry more for purposes, again, for -- of laying  
 7 foundation.  
 8 So is this, like, a printout that you got from the public  
 9 server?  
 10 MR. WEDEKING: This was -- yes.  
 11 HEARING OFFICER FONG: Okay. So you didn't create it  
 12 yourself, you just printed it?  
 13 MR. WEDEKING: No, absolutely not, no. No.  
 14 HEARING OFFICER FONG: I see. And -- okay. Okay. And  
 15 this is -- this is -- this was given to you. Which statement  
 16 for -- which statement are we talking about?  
 17 MR. WEDEKING: So Robert Spivey, he is the -- the  
 18 inventory team lead. He works under the facilities department,  
 19 but he is also in charge of the -- the training for the  
 20 department.  
 21 HEARING OFFICER FONG: Okay.  
 22 MR. WEDEKING: Or the department-specific training.  
 23 HEARING OFFICER FONG: Okay. All right. Okay. Thank  
 24 you. It seems -- it seems to me that -- that this is a -- you  
 25 already testified that you have gotten this from the IKEA's

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1 public server, something that was created by a team lead. I  
 2 mean, subject to going to the specifics, I am inclined to  
 3 introduce it. I mean, obviously.  
 4 But what is your position? And again, we can -- if  
 5 there's something like this that you can provide, Mr. Employer,  
 6 that you're more comfortable with as to the authenticity,  
 7 again, then we could treat it in the same manner of the  
 8 previous two exhibits, but so far -- and if you need to check  
 9 with your Employer during lunch or after, that's fine, too.  
 10 What is your preliminary position on this Petitioner's 4?  
 11 MS. INESTA: Mr. Hearing Officer, I think it's -- clearly  
 12 lacks foundation, that even to the extent that Petitioner's  
 13 saying that he received it under the circumstances, we  
 14 certainly haven't talked to the individual. We haven't  
 15 established how this information was gathered. We haven't  
 16 established whether or not the person who put this together,  
 17 you know, used any information that he was putting together  
 18 personally. We don't even know the circumstances under which  
 19 this document itself was created. In fact, Petitioner himself  
 20 said this is something he created for himself. So I -- I  
 21 certainly don't think that we've met the standard on foundation  
 22 of this document to make it something that should be admitted.  
 23 With respect to the best evidence rule --  
 24 THE COURT REPORTER: Excuse me.  
 25 HEARING OFFICER FONG: There's a funny echo. There's like

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1 a weird echo.  
 2 MS. INESTA: Does that help?  
 3 HEARING OFFICER FONG: That does help a lot.  
 4 MS. INESTA: So --  
 5 HEARING OFFICER FONG: You know, he did say -- I was just  
 6 letting you know that he did say he didn't create it. He said  
 7 he downloaded it from the -- from the server.  
 8 MS. INESTA: I understand, but what I'm saying is that he  
 9 sat --  
 10 HEARING OFFICER FONG: I hear what you're saying.  
 11 MS. INESTA: My understanding of what he said was that  
 12 this team lead created it. And we don't understand the  
 13 circumstances under -- there hasn't been a foundation. Now,  
 14 could --  
 15 HEARING OFFICER FONG: No, I understand. I understand.  
 16 I'm not allowing it yet.  
 17 MS. INESTA: Petitioner -- yeah. Petitioner can say,  
 18 well, he created it for all of these reasons, but we don't have  
 19 any idea whether even -- where this even raw data came from,  
 20 what the circumstances were with respect to this documentation,  
 21 and what that person's personal knowledge with --  
 22 HEARING OFFICER FONG: I understand that. Yes, that's  
 23 a -- that's a -- I understand that.  
 24 MS. INESTA: -- respect to how this was created. So I --  
 25 I definitely have concerns about it.

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1 HEARING OFFICER FONG: I agree.  
 2 MS. INESTA: With respect to the best evidence rule, if  
 3 there's something that we can find, we -- I will definitely  
 4 talk to the Employer and try to -- try to determine if there --  
 5 you know, what -- what we could provide. So that's something  
 6 that we would be willing to do. And I think for the same  
 7 reasons that the other documents are hearsay, I think we've got  
 8 that same situation here where this right now is hearsay.  
 9 There has been no foundation laid at this time. And I don't  
 10 see an exception that really would apply.  
 11 HEARING OFFICER FONG: I understand your -- I understand  
 12 your waylaid -- your well-laid-out points. Thank you for --  
 13 for providing this to the Region.  
 14 Can you tell us again, so for purposes of perhaps best  
 15 evidence rule, Mr. Petitioner, which team lead again and  
 16 when -- when exactly did you see this document on what server?  
 17 The more information you can provide and Employer counsel may  
 18 be able to --  
 19 MR. WEDEKING: For this document, so -- so under the  
 20 public common drive in the maintenance server, there is a --  
 21 another folder called "Maintenance", and there's another folder  
 22 in that folder called "Training". And this was found in that  
 23 training folder. And --  
 24 HEARING OFFICER FONG: On about what date? The last two  
 25 weeks? The last two weeks?

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1 MR. WEDEKING: The 12th of this month, so two days ago.  
 2 HEARING OFFICER FONG: Okay. Okay. And we're on the --  
 3 which team lead do you think again? The name of the team lead?  
 4 MR. WEDEKING: So Robert -- Robert Spivey is the team lead  
 5 in charge of the facility's training, and it was -- it was  
 6 Robert Spivey's training and -- and in fact, I went to him and  
 7 asked him where I could find training rosters, and he told me  
 8 where to find them in the maintenance drive.  
 9 HEARING OFFICER FONG: Okay. That's important. Okay.  
 10 That's important. So let your -- let's see --  
 11 MS. INESTA: Mr. Hearing --  
 12 HEARING OFFICER FONG: Again, your well -- your points are  
 13 very strong.  
 14 MS. INESTA: Just one more point based on what he just  
 15 said because telling somebody, oh, you want to find a roster,  
 16 you know, there's -- there's some rosters in this drive. We  
 17 don't know if this roster's up to date. We don't know the last  
 18 time it's been accessed. We don't know if it was completed.  
 19 We don't know if it was a sample roster that somebody never  
 20 really utilized. We don't know if it was somebody's, just,  
 21 personal roster. So this is really problematic, this document  
 22 because we really have no -- we really don't have the  
 23 circumstances under which this roster was created, what raw  
 24 data was used, who put it together. And for someone to say,  
 25 oh, this is Mr. Spivey's, that doesn't even suggest -- that

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1 could mean somebody thinking, oh, I've watched Mr. Spivey and  
 2 this is what I think he did. So I think this really -- it  
 3 hasn't been authenticated, it lacks foundation, and again, we  
 4 could --  
 5 HEARING OFFICER FONG: You make some very good points. I  
 6 noticed -- let's see with the information provided in terms of  
 7 the best evidence rule -- I appreciate it -- before it's in the  
 8 record. You know, let's see if you can provide a better  
 9 snapshot or at least a document that you'd be more comfortable  
 10 with authenticating. So you can do that. Otherwise, I mean,  
 11 you did -- the witness -- so you're telling me the document, at  
 12 least as to this witness himself, will help. And at least it  
 13 will -- it shows all the training and he can testify as to what  
 14 he, as a maintenance employee, has been trained on. And  
 15 perhaps, you know, this -- obviously, because he worked with  
 16 his coworker and these employees, I don't know what testimony  
 17 we'll get. But at least as to additional maintenance  
 18 employees, he can testify to that document in a sense that  
 19 his -- for himself and from seeing his buddies next to him with  
 20 the same. So again, he can testify as to that.  
 21 I do agree that -- so beyond that, I agree that unless  
 22 it's a question, he maybe can specifically talk to me about  
 23 each other job classification has been given this training,  
 24 which I doubt he would be able to. And then beyond that, it  
 25 would be hearsay. So if it's for the specific purpose of

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1 himself and perhaps the maintenance employees, I would allow  
 2 it. But beyond that, I agree that unless it has more  
 3 foundation, I do see your point, Ms. Employer Counsel.  
 4 What all do you have to say in addition to that, Mr.  
 5 Petitioner?  
 6 MR. WEDEKING: If the Employer's counsel would provide the  
 7 maintenance training, I'd be happy to take a look at it.  
 8 HEARING OFFICER FONG: All right. So when we get -- when  
 9 we come back at some point in time, we'll address and then I'll  
 10 make a formal ruling on the rest of the petitions -- or  
 11 exhibits that were discussed.  
 12 I don't see a problem -- actually, I don't see a problem  
 13 with the picture of the maintenance uniforms. I'll have you  
 14 testify as to that, Mr. Petitioner, and I don't see a problem  
 15 introducing that. Sub -- obviously subject to Employer's  
 16 objections, if any, and record -- making those on the record.  
 17 If you -- if you -- if the Employer has a nice picture of a --  
 18 for a formal uniform they believe that -- that -- that  
 19 maintenance are mandated to do, we can go that route as well.  
 20 Otherwise, I think we have enough probably with -- with that  
 21 picture that I'm inclined to introduce and we'll address that  
 22 further when we get there, okay?  
 23 MS. INESTA: Yeah. If we could just wait until we hear  
 24 testimony about it --  
 25 HEARING OFFICER FONG: Yes.

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1 MS. INESTA: -- and then we reserve the right to assert  
 2 any objections at that time.  
 3 HEARING OFFICER FONG: Understood. And that is -- it  
 4 is -- it is the way of the -- of the land, and we'll go like  
 5 that.  
 6 All right. That said, let's go ahead for -- let's --  
 7 let's be off the record, Madam Court Reporter.  
 8 (Off the record at 12:10 p.m.)  
 9 HEARING OFFICER FONG: Thanks so much. Everyone received  
 10 my -- my pointers, with the court reporter's assistance, on  
 11 best practices for the Zoom audio?  
 12 MR. WEDEKING: I did.  
 13 MS. GORDON: Yes.  
 14 HEARING OFFICER FONG: Good. That -- that's -- we'll do  
 15 our best. Appreciate everyone's paying attention on those.  
 16 I'll -- I'll pick up from where we left off in regards to  
 17 Petitioner's exhibits. Thank you, Employer's Counsel. I  
 18 did -- I did get the Employer -- Employer confirm as well that  
 19 we got Exhibit A -- well, we got the Employer's chart on the  
 20 management structure necessarily at issue.  
 21 Mr. Petitioner, do you -- what is it that you wanted to  
 22 share with us about the -- this particular -- it is Exhibit 8.  
 23 You guys mentioned you had a problem with Exhibit 8. Or is  
 24 that -- am I looking at the wrong --  
 25 MR. HART: I am --

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1 MR. WEDEKING: Mr. Hearing Officer, if they're precluded  
 2 from introducing any evidence, and I allow this, will that then  
 3 let them be able to do, like, anything else that's --  
 4 HEARING OFFICER FONG: No, no, no. No, this is only for  
 5 purpose of authentication. It's not -- it doesn't go to the  
 6 community-of-interest issue. This only goes to establish the  
 7 departmental management structure. So it doesn't open up the  
 8 door with -- to other -- so it -- no. So to answer your answer  
 9 your question, it wouldn't open up the door at all. Again,  
 10 this is only for purposes of supplementing the record.  
 11 And you had said something about -- something -- that some  
 12 information that's lacking from this one shared, because I  
 13 might be able to do a hybrid --  
 14 MR. WEDEKING: So the only problem I see -- I agree with  
 15 the structure of the management, but it doesn't show where the  
 16 employees in the petitioned-for unit or the additional  
 17 employees added to the petitioned unit fall within each  
 18 department. And as well, like, if you looked at the ST  
 19 warehouse manager, and below him, the first -- the team  
 20 leaders, each one of those team leaders runs a team, and each  
 21 one of those teams has employees under it. And it doesn't  
 22 specify which group of -- where the internal haulers work  
 23 compared to where the maintenance personnel work. You know?  
 24 HEARING OFFICER FONG: Right.  
 25 MR. WEDEKING: That's my problem.

<p style="text-align: right;">Page 114</p> <p>1 HEARING OFFICER FONG: Right. No, I see that. No, that's  2 apparent from -- from the exhibit. Let's discuss this a little  3 bit more to see what kind of compromise we can get. We're  4 looking at the -- site manager, okay. Does -- is site manager  5 the equivalent -- will you -- I'm thinking site manager would  6 be the equivalent -- like the general manager, right?  7 MR. WEDEKING: I would agree to that, yes.  8 HEARING OFFICER FONG: Right. Then going to the right, CD  9 warehouse manager. CD warehouse manager; I take it that that's  10 the equivalent of facility manager?  11 MR. WEDEKING: It -- it is and it isn't. So you got SD  12 and CD. Like he was saying, the SD supplies the regional  13 stores with product.  14 HEARING OFFICER FONG: Um-hum.  15 MR. WEDEKING: The CD supplies the internet purchases with  16 product. So it's two separate -- they're two separate  17 functions, responsibilities, I guess you could say.  18 HEARING OFFICER FONG: Um-hum.  19 MR. WEDEKING: But in the same building and under the same  20 general manager.  21 HEARING OFFICER FONG: Okay. Now I get it. I see, I see,  22 I see. Let's see, Robert Jones. Where is Robert Jones?  23 Anyone can jump in.  24 MR. GORDON: Right in the middle of the chart, the  25 facilities manager, to the left, underneath him.</p>	<p style="text-align: right;">Page 116</p> <p>1 Again, there's some missing information. Where in this chart  2 do -- based on your -- you know, your knowledge of the  3 facility, where in this chart do the manage -- the maintenance  4 technicians, where would they fit in?  5 MR. WEDEKING: So --  6 HEARING OFFICER FONG: Who is their supervisor?  7 MR. WEDEKING: So the facility manager has the team leads,  8 the maintenance team leads underneath him. So if you looked at  9 the facilities manager --  10 HEARING OFFICER FONG: Yeah, and we look -- could you  11 mention by name -- you can add names to it.  12 MR. WEDEKING: Okay. Yeah, facilities manager, Aaron  13 Lucas supervises the team leaders, Mitchell Newman, Jessica  14 (phonetic) no longer works there, Bill -- Bill Nueva  15 (phonetic), and Robert Jones. Those are the three maintenance  16 team leaders. So the facility is actually broken up into two  17 departments, maintenance and sustainability, I think it's now  18 called. It used to be called weigh sorting, for better terms.  19 And if you look down, you can see that Robert Spivey was once  20 the weigh sorting team leader. It's now Ascind (phonetic),  21 which is the sustainability developer; she is now weigh  22 sorting. And Spivey is now in charge of inventory and  23 training.  24 But the best -- so the maintenance technicians fall -- so  25 each one of these team leaders -- Michelle Newman, Bill, and</p>
<p style="text-align: right;">Page 115</p> <p>1 HEARING OFFICER FONG: Oh, I see. I see. Robert Spivey,  2 that's right. That's right. Okay.  3 Mr. Employer's Counsel, you were claiming you -- you  4 asserted that this is an actual depiction of the management  5 structure at the facility at issue?  6 MR. GORDON: Yes.  7 HEARING OFFICER FONG: Okay. I'm inclined to probably --  8 hold on, let me explore this a little bit.  9 But what other concerns do you see, Mr. Petitioner?  10 MR. WEDEKING: So the whole point of job integration or  11 interchangeability, if you could -- like, the first shift team  12 leaders in their teams, all those team leaders supervise  13 general warehouse coworkers and --  14 HEARING OFFICER FONG: Can we go -- you know, I'm probably  15 inclined to -- I have to explore this a little bit further.  16 But let's go ahead and on my -- let's go ahead and try to see  17 if we can -- if you can testify as to perhaps fitting in the  18 chart, if we can somewhat fit in your information into this  19 chart. And if it fits in squarely and they corroborate each  20 other, I would like to hopefully introduce both. Let's see if  21 we can do that and I'll ask you a few questions, Mr.  22 Petitioner.  23 MR. WEDEKING: Very well.  24 HEARING OFFICER FONG: What are -- okay, so based on this,  25 which -- according to, again, position, this seems similar.</p>	<p style="text-align: right;">Page 117</p> <p>1 Robert Jones -- those -- those three are team leaders of  2 maintenance for first, second, and third shift. Each one has a  3 shift.  4 HEARING OFFICER FONG: Okay.  5 MR. WEDEKING: And each --  6 HEARING OFFICER FONG: So --  7 MR. WEDEKING: Yeah.  8 HEARING OFFICER FONG: And you mentioned the three. And  9 who's the fourth that you excluded?  10 MR. WEDEKING: Jessica Wong (phonetic).  11 HEARING OFFICER FONG: Yeah, what does she do?  12 MR. WEDEKING: She no longer works there.  13 HEARING OFFICER FONG: Okay. Mitchell, Bill -- Mitchell  14 Newman, Bill Nueva, and Robert Jones, they supervise  15 maintenance?  16 MR. WEDEKING: Yes, for their shifts.  17 HEARING OFFICER FONG: For their shifts, right? Each --  18 MR. WEDEKING: Yes.  19 HEARING OFFICER FONG: Okay. Which shifts again?  20 MR. WEDEKING: So Mitchell Newman is first shift.  21 HEARING OFFICER FONG: Okay.  22 MR. WEDEKING: Bill Nueva is third shift.  23 HEARING OFFICER FONG: Maintenance, right?  24 MR. WEDEKING: Robert Jones is second shift maintenance,  25 yes.</p>

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1 HEARING OFFICER FONG: There you go.  
 2 MS. INESTA: And Mr. Hearing Officer?  
 3 HEARING OFFICER FONG: Yes.  
 4 MS. INESTA: With respect to making sure that we get the  
 5 right full -- I mean, the right classifications and also the --  
 6 HEARING OFFICER FONG: Do you mind, Jeremy? There you go.  
 7 MS. INESTA: Thank you. With respect to making sure that  
 8 we are -- that you have the information of who -- of the right  
 9 employees that fall under, I guess, each of these separated  
 10 leader sections, what we would propose instead of trying to  
 11 painstakingly go through and ask questions, which, quite  
 12 frankly, we're going to, to the extent that it's outside the  
 13 facilities, object to on the grounds that we think that it's  
 14 still going to lack foundation as to what employees necessarily  
 15 fall under, what sections, particularly to the extent that  
 16 there's been any transitions or anything else, or departures in  
 17 people recently.  
 18 So what we recommend is -- is you're right, this does not  
 19 have some of that information that was on his other chart, but  
 20 I don't think that it would be difficult to provide that, even  
 21 if it's not adding it necessarily to a chart. Even, I would  
 22 think, a list of employees and who their team leader is would  
 23 be sufficient and it's something that we could provide. And to  
 24 the extent that we have a situation where we're going to offer  
 25 witnesses, that's the extent that the Hearing Officer would

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1 like to proceed in questioning them, that you would also have  
 2 the opportunity to do that. But I think that even in -- for  
 3 time's sake, it probably would be less time consuming and more  
 4 accurate.  
 5 HEARING OFFICER FONG: Let me think about this.  
 6 MR. WEDEKING: I would --  
 7 HEARING OFFICER FONG: Sometimes the Petitioner -- go  
 8 ahead with this now.  
 9 MR. WEDEKING: I wouldn't see a problem with that as long  
 10 as that list also provided their job category, since that's  
 11 really important. And their -- that it showed their team  
 12 leader and the coworker job categories that they supervise;  
 13 that would be okay.  
 14 HEARING OFFICER FONG: I appreciate that. I think that  
 15 makes sense. I mean, if we have documentation in that regard  
 16 that we can provide and the Petitioner will review it, I think  
 17 it will save a lot of time, and the documentary evidence is  
 18 always very helpful.  
 19 MS. INESTA: Yes.  
 20 HEARING OFFICER FONG: So subject to that, let's put this  
 21 aside. And then depending on what we get, I'll make my ruling.  
 22 Otherwise, I may just have to go through testimony to see if we  
 23 can fit in the employee information provided in Petitioner's 2  
 24 which is not into the record yet. If we can -- if I can fill  
 25 it in into this chart by the testimony or perhaps -- again, if

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1 the document -- if the testimony corroborates, I'll also  
 2 introduce as Board -- I'll allow the introduction of  
 3 Petitioner's 2 into the record as well. And I will make this  
 4 chart, the Employer provided chart, again, into the testimony  
 5 provided, Board Exhibit next in order.  
 6 So with that said, let's leave them up front now for  
 7 purposes of testimonial depiction and as best you seem fit, Mr.  
 8 Petitioner, you can testify as to which supervisors -- as it is  
 9 your right -- supervise which job classification. And we can  
 10 leave it in the short version, so be it. Otherwise -- because  
 11 I don't think we'll be able to get the documents, though. I  
 12 mean, do we have some way that we can get them?  
 13 MS. INESTA: We're trying to -- we are trying to get  
 14 certain documents. I think we hit a -- kind of a little bit of  
 15 a lunch break time, so we have some difficulty tracking down  
 16 the individuals that we need to speak with. But we are still  
 17 working on it; and I would think that something like this, we  
 18 would be able to get relatively quickly and we'll provide it as  
 19 soon as we can.  
 20 HEARING OFFICER FONG: All right. The way the testimony  
 21 is going -- it all depends -- we may just have to go an  
 22 additional day if need be to -- in order to have an accurate  
 23 record. And --  
 24 MS. INESTA: Yeah. And with respect -- with respect to the  
 25 documents, I mean, the reality is that we could proceed, but to

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1 the extent that we're just proceeding with testimony, which is  
 2 what we're doing. Maybe we deal with all the documents all  
 3 together and that would give us, of course, just a little bit  
 4 of time to get the information that we need on our end.  
 5 HEARING OFFICER FONG: Right, right. Okay. For the time  
 6 being, let's go ahead. And Mr. Petitioner, let's use the  
 7 Employer -- because of authenticity purposes, let's use the  
 8 Employer's chart if you like -- it's for purposes of addressing  
 9 some -- you know, because you can look at it and tell just like  
 10 what you've been saying, which maintenance employees report to  
 11 where, which warehouse employees you believe are under. That  
 12 may fit in well into your overall testimony in any event; let's  
 13 see how the ball rolls with that. And perhaps we'll have some  
 14 other issues, and just kind of go -- go -- take it from there.  
 15 Okay? But I am -- I mean, I'll reserve my ruling for the  
 16 introduction of those exhibits, depending on how the testimony  
 17 goes. Okay?  
 18 MR. WEDEKING: Okay.  
 19 HEARING OFFICER FONG: All right. That said, why don't we  
 20 start with your testimony, Mr. Petitioner. And I understand  
 21 that -- try -- try the best to be factual, and I may, you know,  
 22 at some point in time, whether in between or thereafter or a  
 23 combination of the two, ask you some follow-up questions.  
 24 It will be helpful -- but before, actually, I want to  
 25 backtrack a little bit more. Were we able to get a chart for

<p style="text-align: right;">Page 122</p> <p>1 Petitioner's 3, the one facility map?</p> <p>2 MR. HART: Again, Mr. Hearing Officer, that's a situation</p> <p>3 where we ran into the lunch break. We're trying to get a clean</p> <p>4 copy of that. I anticipate we will be able to get a clean copy</p> <p>5 of that, but we haven't been able to get it yet.</p> <p>6 HEARING OFFICER FONG: Okay. For the time being, you can</p> <p>7 use -- and everyone has it at their disposal?</p> <p>8 MR. WEDEKING: I can supply -- I can give some copy of it.</p> <p>9 Then again, it's just coming from a source that I really -- the</p> <p>10 other side objected to. So I don't know if it's --</p> <p>11 HEARING OFFICER FONG: For the time being, we'll use</p> <p>12 Exhibit 3, I'm definitely -- unless they give you something</p> <p>13 more formal. I'll -- in base of your testimony, I'll include</p> <p>14 exhibit -- I'll allow Petitioner's 3 to go into the record. I</p> <p>15 won't make that ruling yet, but for purposes of your testimony,</p> <p>16 you can refer to that exhibit because everyone has it and it is</p> <p>17 helpful, and it appears an IKEA document. Just testify like we</p> <p>18 did with Mr. Nahin. Just to be -- be somewhat descriptive, use</p> <p>19 it as a mental help, be descriptive in your testimony as to</p> <p>20 what happens in each department, what happens at each building.</p> <p>21 And what I would like to perhaps start with is an</p> <p>22 explanation as you understand it, documents speaking what the</p> <p>23 facility does, you know, at some point, just the facility,</p> <p>24 break it down in terms of buildings. Who's housed in which</p> <p>25 building and where the maintenance -- what the specific</p>	<p style="text-align: right;">Page 124</p> <p>1 evidence; they're going to just rely on factual evidence and</p> <p>2 that will be so reflected. And your running objection is noted</p> <p>3 in the record, okay?</p> <p>4 MR. HART: Thank you.</p> <p>5 HEARING OFFICER FONG: Okay.</p> <p>6 MR. HART: And Mr. Hearing Officer, if -- if there's no</p> <p>7 other preliminary matters, before we continue with Petitioner's</p> <p>8 testimony, there is one issue that we need to raise. We had</p> <p>9 sent you this morning an email about offers of proof for these</p> <p>10 two witnesses; we never got a response for those. And we'd</p> <p>11 like to know how you'd like to handle this with Mr. Wedeking at</p> <p>12 this point?</p> <p>13 HEARING OFFICER FONG: Yes. Petitioner, the Employer had</p> <p>14 mentioned to me they're offering some offers of proof.</p> <p>15 Sometimes for credibility, we use things that are normal part</p> <p>16 of the record. And I mentioned to them that I would confer</p> <p>17 with the RD and get back to them. And then by this, as well,</p> <p>18 most likely, we would revisit that issue. At the conclusion of</p> <p>19 either the first or second witness at this point in time, you</p> <p>20 already mentioned to me that you want to visit the issue at the</p> <p>21 conclusion of the entirety of your testimony. So I don't need</p> <p>22 any of that for now. But again, we'll probably -- I do accept</p> <p>23 that and perhaps we can allow you to make that -- some</p> <p>24 representations on the record as to what you -- as to some of</p> <p>25 the mention -- things you mentioned at that point time.</p>
<p style="text-align: right;">Page 123</p> <p>1 maintenance work and maintenance employees who are each</p> <p>2 building. Not the -- you have your testimony and go ahead with</p> <p>3 what you need to testify about. But hopefully, at some point</p> <p>4 in time, you can cover the basics that I mentioned.</p> <p>5 MR. WEDEKING: Yes.</p> <p>6 HEARING OFFICER FONG: And again for the parties and for</p> <p>7 the reader of the record, we advise again that the Hearing</p> <p>8 Officer -- the decision writer will only cover and rely on</p> <p>9 factual information; obviously, there will be some conclusive</p> <p>10 statements that may come up upon the Petitioner's testimony,</p> <p>11 being that he's not represented, but he's doing a decent -- a</p> <p>12 very good job. But aside from objection every single time, you</p> <p>13 can -- at some point in time, you can make a running objection</p> <p>14 on that respect.</p> <p>15 MR. WEDEKING: Yeah.</p> <p>16 MR. HART: Thank you, Mr. Hearing Officer. I do think at</p> <p>17 this point, we'd like to put a continuing objection on the</p> <p>18 record with regard to any testimony that lacks foundation, is</p> <p>19 hearsay, or doesn't perform to the best evidential. We'd like</p> <p>20 to put that on the record just so that as you said, we can have</p> <p>21 a little bit of a cleaner transcript and we don't have to make</p> <p>22 that every single time.</p> <p>23 HEARING OFFICER FONG: I agree, I agree. I appreciate</p> <p>24 that. Again, be advised that the decision writers, again,</p> <p>25 they're not going to rely on what we all know is hearsay</p>	<p style="text-align: right;">Page 125</p> <p>1 MR. WEDEKING: Okay.</p> <p>2 HEARING OFFICER FONG: Okay. But for now, I -- thank you</p> <p>3 so much for that offer; we don't need it at this point in time.</p> <p>4 MS. INESTA: Mr. Hearing Officer, I'm sorry, you cut out</p> <p>5 for a moment. I didn't hear what you said about the Regional</p> <p>6 Director.</p> <p>7 HEARING OFFICER FONG: Yes.</p> <p>8 MS. INESTA: You conferred about it; I just didn't hear</p> <p>9 quite well what you were saying. You cut out.</p> <p>10 HEARING OFFICER FONG: Yeah, that issue is not -- is</p> <p>11 appreciated, but it will be postponed until the conclusion of</p> <p>12 the Petitioner's entire testimony. At that point in time, I'll</p> <p>13 allow you to -- we shall concur with the Regional Director and</p> <p>14 then we'll make the decision. Okay?</p> <p>15 All right. Okay, Mr. Petitioner, let's go ahead and get</p> <p>16 started with your testimony.</p> <p>17 MR. WEDEKING: Okay. So -- so I am a -- I am a</p> <p>18 maintenance technician at the facility. We are here to discuss</p> <p>19 community of interest between us and the proposed Union.</p> <p>20 MR. HART: Mr. Hearing Officer, I hate to jump in. I</p> <p>21 don't think that the Petitioner is under oath.</p> <p>22 HEARING OFFICER FONG: Oh, thank you so much. I</p> <p>23 appreciate that. Yes, I appreciate that.</p> <p>24 Whereupon,</p> <p>25 MICHAEL PAUL WEDEKING</p>

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1 having been duly sworn, was called as a witness herein and was  
 2 examined and testified, telephonically as follows:  
 3 HEARING OFFICER FONG: I appreciate it, Jeremy. Thank  
 4 you.  
 5 Go on, I'm sorry. You were saying?  
 6 DIRECT TESTIMONY  
 7 THE WITNESS: So the shared community of interest between  
 8 the -- the petitioned-for unit and the proposed is what we're  
 9 here to discuss. It's my understanding that -- first of all, I  
 10 would like to look at the additional petitioned-for employees  
 11 to -- the additional proposed employees for the petitioned  
 12 unit.  
 13 HEARING OFFICER FONG: Okay.  
 14 THE WITNESS: The makeup -- the makeup of it.  
 15 HEARING OFFICER FONG: Now you got attachment C?  
 16 THE WITNESS: Yes, attachment C.  
 17 HEARING OFFICER FONG: Okay. And that's in the -- so that  
 18 you know, that's in the record substantively speaking, okay?  
 19 THE WITNESS: Very well.  
 20 HEARING OFFICER FONG: The same with Exhibit (sic passim)  
 21 B.  
 22 THE WITNESS: It says that there are -- there's five  
 23 categories, but 90 percent of the employees on Exhibit C are  
 24 the same category. And I just want to make that on the record  
 25 that -- that --

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1 HEARING OFFICER FONG: Okay. Which classification are  
 2 you -- I'm thinking you're referring to which classification?  
 3 THE WITNESS: The general warehouse coworker.  
 4 HEARING OFFICER FONG: Okay. And doing the math -- your  
 5 mathematical computations, you would say --  
 6 THE WITNESS: Yes.  
 7 HEARING OFFICER FONG: -- that's about 90 percent?  
 8 THE WITNESS: Yes.  
 9 HEARING OFFICER FONG: We cannot do the math, so -- so  
 10 sorry for that. Okay?  
 11 THE WITNESS: Yeah, yeah. Exhibit 1 -- my Petitioner  
 12 Exhibit 1 kind of breaks that down.  
 13 HEARING OFFICER FONG: All right. So look at Exhibit 1.  
 14 And I do see by looking at Exhibit 1, you've listed, like, the  
 15 job classifications -- the additional job classifications that  
 16 are to be excluded. And you -- job category, number of  
 17 employees, and a percentage. I take it that the percentage,  
 18 that you do that by way of a mathematical computation?  
 19 THE WITNESS: Yeah, a calculator.  
 20 HEARING OFFICER FONG: All right. You wish to introduce  
 21 Petitioner's 1 into evidence?  
 22 THE WITNESS: I do.  
 23 HEARING OFFICER FONG: And Employer? Excuse me, let me  
 24 take a look at this. What's the -- I'll give you -- what's  
 25 your position on that, Employer?

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1 MS. INESTA: Mr. Hearing Officer, our issue with this is,  
 2 I mean, to the extent that the numbers are what they are, and I  
 3 think that there's even something already in evidence that has  
 4 the breakdown of the employees, that we don't think this is  
 5 either relevant or material, these percentages. That certainly  
 6 isn't -- these percentages certainly isn't something that --  
 7 under the community-of-interest standard, what we're looking at  
 8 is something other than what percentage some -- the employees  
 9 who want -- who are composed to be appropriate, how many or  
 10 what their percentage is. So we're really not sure what the  
 11 materiality of this document is.  
 12 MR. WEDEKING: I can explain that, Mr. Hearing Officer, if  
 13 you want. I feel that the general warehouse coworker is the  
 14 most common -- the most common employee in the warehouse. And  
 15 they are the vast majority of it, and the stock controller,  
 16 recovery -- the other job classifications, although they're  
 17 there -- they are -- it -- I just feel that the list is  
 18 misleading, saying that there's five job categories, and I just  
 19 wanted to reflect that almost all of these coworkers are  
 20 general warehouse coworkers.  
 21 And when it comes to job -- I'm going to testify later  
 22 that they -- general warehouse coworkers, there's a big shared  
 23 community of interest when it comes to job interchangeability  
 24 between all these, but not the maintenance one. So that's why,  
 25 you know, general warehouse coworkers, their team leads,

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1 they --  
 2 HEARING OFFICER FONG: Okay. I get it.  
 3 MR. WEDEKING: -- they work between each teams, and  
 4 they're all interchangeable themselves.  
 5 HEARING OFFICER FONG: I understand, I understand. You  
 6 know, this is simply a mathematical computation. We will have  
 7 the exhibits here; we will have the numbers.  
 8 MR. WEDEKING: Okay.  
 9 HEARING OFFICER FONG: It does give, you know, for what it  
 10 is -- whether it's -- whether it is substantive material or  
 11 not, it is what it is; I think it speak for itself. I'll allow  
 12 it. So Petitioner's 1 is introduced into the record, so that's  
 13 in the record for now.  
 14 (Petitioner Exhibit Number 1 Received into Evidence)  
 15 HEARING OFFICER FONG: I mean, at some point in time, also  
 16 know -- the -- we're fine with duplicating some of your  
 17 testimony or adding additional testimony as the Petitioner; I  
 18 like to make sure that you testify as to what in your --  
 19 what -- from your perception and your eight years working  
 20 there, what each job classification does, as best you can from  
 21 what you've seen. At some point in time, I'd like to have that  
 22 in addition to the layout of the facility, vis-a-vis  
 23 maintenance worker and maintenance employees work areas.  
 24 THE WITNESS: Sure, sure.  
 25 HEARING OFFICER FONG: Okay.

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1 THE WITNESS: I can address that now. So the cleaner --  
 2 let's start with the cleaner. The cleaner is in the same  
 3 department as I am, the maintenance technicians, which is in  
 4 the facilities department. The cleaner's job, they ride around  
 5 the warehouse on their power equipment and they pick up -- they  
 6 pick up debris, trash. There's substations of trash cans  
 7 around the warehouse, where the product comes in wrapped in  
 8 plastic, what have you. And they take it apart and they put it  
 9 in these satellite locations. And the cleaner's job is to go  
 10 around, constantly just go around, and they gather that stuff  
 11 up and take it to a certain part of the warehouse where it's  
 12 then shipped -- or processed and shipped for recycling.  
 13 HEARING OFFICER FONG: Okay. Can you --  
 14 THE WITNESS: The hauler is --  
 15 HEARING OFFICER FONG: Before you -- I'm sorry. Before  
 16 we --  
 17 THE WITNESS: Yes.  
 18 HEARING OFFICER FONG: -- move onto the next  
 19 classification, let me just ask you a few questions about this  
 20 one. What do they do? Do they walk around, or do they ride --  
 21 do they ride around on something?  
 22 THE WITNESS: Yeah, it's a -- it's like a -- it's like a  
 23 forklift, but the forks are really, really long and they  
 24 don't -- they don't sit down on it; they stand up on it. So  
 25 they can -- they're off and on real easy without having to --

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1 it kind of looks like a --  
 2 HEARING OFFICER FONG: No, I get it. I get it. That's --  
 3 that's sufficient. Do they -- what part of their -- and then  
 4 you -- you have shift -- weigh sorters, cleaners in your --  
 5 in -- what shift do you work?  
 6 THE WITNESS: I work first shift.  
 7 HEARING OFFICER FONG: And what time is the first shift?  
 8 THE WITNESS: First shift is from 5 a.m. to 1:30 p.m.  
 9 HEARING OFFICER FONG: Okay. And what part do these  
 10 cleaners work -- the cleaners in your shift, what percentage do  
 11 you see them being on this mechanism that they ride around  
 12 versus walking around?  
 13 THE WITNESS: They're on their equipment 99 percent of the  
 14 time, almost all the time. The only time they're off their  
 15 equipment is when they get off to grab the debris and put it on  
 16 their equipment.  
 17 HEARING OFFICER FONG: Okay. Okay. And what other --  
 18 beside riding on this -- I'm sorry, what is the mechanism?  
 19 THE WITNESS: It's called a -- the piece of equipment that  
 20 they drive?  
 21 HEARING OFFICER FONG: Yes.  
 22 THE WITNESS: It's called a long fork walkie (sic)  
 23 passim).  
 24 HEARING OFFICER FONG: Long fork walkie, okay. What kind  
 25 of equipment do they have in addition -- any additional

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1 equipment that they --  
 2 THE WITNESS: That's it. That's all they're licensed to  
 3 drive and that's all they do. I guess how they're dressed,  
 4 they have a similar colored shirt as maintenance, but it's not  
 5 the fire retardant, electrical, hazardous; it's just a nice  
 6 thin -- and they can have short-sleeve versions, they have  
 7 long-sleeve versions. And they're allowed to wear shorts with  
 8 theirs. They have a similar look to the maintenance  
 9 technicians, but not enough to confuse them between the two.  
 10 HEARING OFFICER FONG: And what -- how do you know -- have  
 11 you been able to talk much, or how do you know the difference  
 12 in the thickness of their fire-retardant uniform?  
 13 THE WITNESS: Well, the service that provides us our  
 14 uniforms, they -- they -- there's a spot in the main locker  
 15 room where they hang them all up. So you can just go -- when I  
 16 pick up my uniforms from there, I can tell that -- you know,  
 17 there -- theirs is right there, too. They do the -- their team  
 18 leader also has a desk in the maintenance shop, so they -- they  
 19 do have access to the maintenance shop as well. That's --  
 20 that's their meeting place. So we work -- we don't -- we don't  
 21 do each other's jobs, but we are close with them when it comes  
 22 to interaction. Like -- like --  
 23 HEARING OFFICER FONG: The entire group, you think you do  
 24 the most interaction with them?  
 25 THE WITNESS: Oh, absolutely.

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1 HEARING OFFICER FONG: Okay, okay. And your -- you  
 2 show -- as a maintenance locker, do you have a particular  
 3 locker room location?  
 4 THE WITNESS: The maintenance technicians have lockers in  
 5 the maintenance shop. For each technician -- each technician  
 6 has an issued set of tools, their set of tools, at the end of  
 7 their shift, they put in their maintenance locker. There is a  
 8 main locker room and some maintenance technicians have a  
 9 personal locker in that locker room that they share with --  
 10 with all IKEA employees. Even managers, I believe, have  
 11 lockers in the locker room as -- as they wish. So some -- some  
 12 maintenance technicians have a personal locker up there as  
 13 well.  
 14 HEARING OFFICER FONG: Okay. So the personal -- there's,  
 15 like, a personal -- there's, like, a location for, like, all  
 16 the -- most of the Employer's locker room?  
 17 THE WITNESS: Yeah, if you want to change your shoes or  
 18 get dressed before work, put your work boots on, what have you,  
 19 you can do that in the main locker room.  
 20 HEARING OFFICER FONG: And tell me about the separate --  
 21 you said there's a separate maintenance location for the  
 22 lockers, some of their lockers as well? Additional lockers?  
 23 THE WITNESS: Yes, yes. So the maintenance shop -- if you  
 24 could refer to the -- I don't know if we're allowed to --  
 25 HEARING OFFICER FONG: Yeah, you can refer to it; Exhibit

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1 3.  
2 THE WITNESS: So in the middle of the exhibit here, there  
3 is a shaded area, a highlighted area.  
4 HEARING OFFICER FONG: What building?  
5 THE WITNESS: It's in between 1 and 4; 1 is the one with  
6 all the dots, the black dots going left to right.  
7 HEARING OFFICER FONG: And one is under the A, and number  
8 4 is under I?  
9 THE WITNESS: Yes. So the -- the spot probably right  
10 under the K and E in IKEA, if you went straight down --  
11 HEARING OFFICER FONG: Um-hum.  
12 THE WITNESS: -- that is the maintenance shop slash --  
13 it's also got the maintenance office, the locker rooms, it's  
14 where the power equipment technician has his -- his cart. So  
15 that's basically the -- the maintenance hub. The  
16 maintenance --  
17 HEARING OFFICER FONG: And who has access to the  
18 maintenance hub again?  
19 THE WITNESS: Maintenance personnel, cleaners, anybody in  
20 facilities.  
21 HEARING OFFICER FONG: Okay. And do warehouse workers  
22 have access to this? To the maintenance --  
23 THE WITNESS: It's re -- it's restricted. They could --  
24 they could walk up there if they wanted to, but they're not  
25 supposed to. It's restricted for maintenance personnel only.

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1 HEARING OFFICER FONG: How about for internal hauler; are  
2 they allowed -- do they have any business -- work business to  
3 get to do in the maintenance hub?  
4 THE WITNESS: No other -- no other -- no other job  
5 category does.  
6 HEARING OFFICER FONG: Besides preventive maintenance and  
7 maintenance?  
8 THE WITNESS: Yes.  
9 HEARING OFFICER FONG: And then you said cleaners as  
10 well -- you said cleaners have access to the maintenance hub?  
11 THE WITNESS: Yes, the cleaners -- cleaners have their --  
12 their team lead office is in there, as well as the maintenance  
13 team lead's office.  
14 HEARING OFFICER FONG: Okay. I see, I see. Very helpful.  
15 All right. Well, go on. Go on.  
16 THE WITNESS: The internal hauler, which is more commonly  
17 referred to a jockey truck driver, and a jockey truck driver  
18 drives the jockey truck. And all they do is they just maneuver  
19 containers around the yard. They back up trailers to the  
20 warehouse, the dock doors, they pull them away. They just sit  
21 there and they just drive and backup trailers all day.  
22 They have a uniform similar to the weigh sorters, but the  
23 colors are reversed. They're like -- where one would be blue,  
24 the other one is yellow. So they have --  
25 HEARING OFFICER FONG: What's blue and what's yellow?

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1 THE WITNESS: So internal haulers have a similar uniform  
2 style as the cleaners, just with different colors.  
3 HEARING OFFICER FONG: Okay, okay.  
4 THE WITNESS: And they can wear shorts -- the internal  
5 haulers can wear shorts; they have the short-sleeve and long-  
6 sleeve version. Maintenance only has a long-sleeve version.  
7 And the internal hauler's is also non -- there's no safety  
8 features in it; it's not electrical hazard or fire retardant.  
9 They only were issued shirts, just like the cleaners; the  
10 cleaners were also only issued shirts.  
11 HEARING OFFICER FONG: Okay. Okay. If you want to, we  
12 can go onto recovery coworkers --  
13 THE WITNESS: Recovery coworkers.  
14 HEARING OFFICER FONG: -- what they do.  
15 THE WITNESS: The recovery coworker -- a lot of product  
16 gets damaged in the warehouse, just from being handled. And  
17 recovery coworkers, they go through that damaged product, and  
18 if they can be salvaged, they salvage it. And they have a box  
19 machine that makes new boxes if the boxes are damaged. They  
20 just go through and decide what's damaged to the point of  
21 needing to be recycled and what can go back to the store, or go  
22 back into the rack to be put into the store.  
23 HEARING OFFICER FONG: Okay, okay.  
24 THE WITNESS: Stock controller keeps track of the product  
25 in the warehouse. They -- they -- they monitor it. The

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1 general warehouse coworker, on his piece of equipment, has --  
2 like the d-log from Nahin's, it's all touchscreen and they have  
3 a scan gun as well. So when -- the touchscreen will tell them  
4 what location to go to, and there's a system. And they go to  
5 that location and each product has a barcode on it, the label;  
6 and they take their scan gun and they scan the product, each  
7 location on the rack has a barcode. And the whole warehouse is  
8 comprised of barcodes and the scan gun and the d-log all keeps  
9 track of that. So it's pretty -- pretty -- it's pretty easy to  
10 just -- it tells you where to go and you pick up the pallet of  
11 products in that spot and you take it to a dock or -- or --  
12 it's all ran by barcodes and a scan gun. Every piece of  
13 equipment has a scan gun on it that the general warehouse  
14 coworkers run. And the stock controllers keep track of that  
15 because sometimes they will move it without scanning it, things  
16 get lost, so basically, they just keep track of the product in  
17 the warehouse.  
18 HEARING OFFICER FONG: Okay, okay. Can you elaborate on  
19 the distribution center? Like, what type of facility it is and  
20 perhaps explain to me, you know, how were the products --  
21 perhaps by way of the product -- who checks the products as  
22 best as they can, when the product gets there. You know, who  
23 picks it up, where does it go, how does it get distributed to  
24 the -- to different facilities. And then that will give us a  
25 nice structure for seeing with more detail as to job

<p style="text-align: right;">Page 138</p> <p>1 description.</p> <p>2 THE WITNESS: Sure. So the warehouse is 1.6 million</p> <p>3 square feet. The product, it's the foreign -- it's called the</p> <p>4 foreign trade zone, which means the product comes from overseas</p> <p>5 to the port, it bypasses customs and comes straight to our</p> <p>6 warehouse. And in return, we have -- it has the same security</p> <p>7 interest that they would have at the ports. So basically, IKEA</p> <p>8 and the government have made a deal that if we keep the</p> <p>9 security like we would have at customs at the port, that the</p> <p>10 containers don't have to stop at customs, they can come</p> <p>11 straight from the ship to our warehouse.</p> <p>12 So the product could come from anywhere in the world, from</p> <p>13 the ship. That the ship's unloaded in Long Beach, and the</p> <p>14 container with the product comes from the port to our</p> <p>15 warehouse.</p> <p>16 HEARING OFFICER FONG: Okay. In 18-wheelers?</p> <p>17 THE WITNESS: Yes.</p> <p>18 HEARING OFFICER FONG: Those are big -- those are -- you</p> <p>19 know, straight to the other side, those are big trucks.</p> <p>20 THE WITNESS: Yeah.</p> <p>21 HEARING OFFICER FONG: Okay. So the 18-wheeler gets into</p> <p>22 the facility; what's the next step? I mean, if you can limit</p> <p>23 it -- if you can direct your discussion in terms of, like, the</p> <p>24 job classifications at issue. I mean, there's nothing -- if</p> <p>25 there's people who unload them and they're outside, so noted,</p>	<p style="text-align: right;">Page 140</p> <p>1 operation side. Operation -- inbound and outbound.</p> <p>2 HEARING OFFICER FONG: Okay.</p> <p>3 THE WITNESS: Buildings 2 and 5 have silos. So -- so the</p> <p>4 product either comes in, they put it on the pallet and it</p> <p>5 either goes into the rack, which a general warehouse coworker</p> <p>6 does with the -- their piece of equipment, or it goes onto the</p> <p>7 conveyer systems which is a system ran by a bunch of different</p> <p>8 components. But basically, it takes the product on the pallet,</p> <p>9 drives the product all the way to the front of the building,</p> <p>10 lifts it up, and gets put into the building -- the silos.</p> <p>11 HEARING OFFICER FONG: Okay.</p> <p>12 THE WITNESS: And those -- those buildings hold the silos,</p> <p>13 and the silos are forklifts that are on tracks that a operator</p> <p>14 sits in and he drives it. And it's kind of like -- it's really</p> <p>15 kind of hard to explain. But basically, it's just another way</p> <p>16 to efficiently store the product.</p> <p>17 HEARING OFFICER FONG: All right, all right.</p> <p>18 THE WITNESS: It's -- the buildings are higher; they hold</p> <p>19 a lot more -- a lot more product than the other buildings due</p> <p>20 to --</p> <p>21 HEARING OFFICER FONG: Okay.</p> <p>22 THE WITNESS: -- the height of them. And so they put away</p> <p>23 pallets and take pallets out of their racks and silos.</p> <p>24 HEARING OFFICER FONG: Right. You already testified to</p> <p>25 the recovery worker employees -- one of their job functions is</p>
<p style="text-align: right;">Page 139</p> <p>1 okay?</p> <p>2 THE WITNESS: Okay. So the product comes in and the</p> <p>3 outside contractor with the truck will drop it off somewhere.</p> <p>4 Not up against the building, but anywhere in the yard,</p> <p>5 there's -- there's like 600 parking spots for trailers in the</p> <p>6 yard, something like that. And then the jockey trucks will get</p> <p>7 a -- they also have a d-log that tells them where to put things</p> <p>8 and things like that. And they will get orders to grab this</p> <p>9 trailer from this location and put it at this dock door. And</p> <p>10 all the --</p> <p>11 HEARING OFFICER FONG: The jockey truck's internally</p> <p>12 based/internal hauler, right?</p> <p>13 THE WITNESS: Yes. Once the container gets parked at the</p> <p>14 door, the southside of the whole warehouse, it's what called</p> <p>15 inbound; that means it's probably coming from the ship into the</p> <p>16 warehouse. The northside is outbound, which is probably</p> <p>17 leaving the warehouse and going to the retail stores.</p> <p>18 HEARING OFFICER FONG: Can you break it down in terms of</p> <p>19 buildings? Is 1, 2, 3 southside, buildings 3, 4, 5 northside?</p> <p>20 THE WITNESS: Sure, sure. So buildings 1 through 5 are</p> <p>21 SD, which supplies the retail stores. And building 6 is CDC</p> <p>22 for the internet commerce.</p> <p>23 HEARING OFFICER FONG: All right, very helpful.</p> <p>24 THE WITNESS: The inbound -- so the trailers are unloaded</p> <p>25 by forklifts and equipment ran by general coworkers; that's the</p>	<p style="text-align: right;">Page 141</p> <p>1 to see what the -- through this process and product gets</p> <p>2 damaged, they'll go ahead and -- that's only because of --</p> <p>3 provide stock control in terms of this procedure. Go on. Go</p> <p>4 on with the explanation of what -- of how the product</p> <p>5 eventually gets distributed to the facilities.</p> <p>6 THE WITNESS: So then it gets put in the rack, and --</p> <p>7 HEARING OFFICER FONG: Relate it to the job</p> <p>8 classifications as best you can.</p> <p>9 THE WITNESS: Okay, okay. The silos are ran by general</p> <p>10 warehouse coworkers as well.</p> <p>11 HEARING OFFICER FONG: Okay.</p> <p>12 THE WITNESS: The inbounds -- the employees that take it</p> <p>13 off -- out of the containers are general warehouse coworkers as</p> <p>14 well.</p> <p>15 HEARING OFFICER FONG: Okay.</p> <p>16 THE WITNESS: Then once the store wants some product,</p> <p>17 they -- they will let us know and then there's a system that I</p> <p>18 can't testify to that I don't know how that works. But the</p> <p>19 team leads in operation and the inbound and outbound, they</p> <p>20 will -- they will tell the general warehouse workers, via the</p> <p>21 d-logs and stuff, what products need to come out of the rack</p> <p>22 and put to the dock door --</p> <p>23 HEARING OFFICER FONG: Okay.</p> <p>24 THE WITNESS: -- to go outbound.</p> <p>25 HEARING OFFICER FONG: I see.</p>

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1 THE WITNESS: And that's where we're at. And then they're  
 2 loaded into regular semi-trailers. So they come in on  
 3 containers like you would see on a ship, that they just put on  
 4 a truck chassis, the chassis, the trailer body. But they leave  
 5 the warehouse in semi-trailers. They don't -- they don't leave  
 6 the warehouse in the same containers that they came in.  
 7 HEARING OFFICER FONG: Do any job -- any of the supposed  
 8 job classification get involved into putting those things out  
 9 to the -- for distribution?  
 10 THE WITNESS: All general warehouse coworkers.  
 11 HEARING OFFICER FONG: Oh, okay, general -- okay.  
 12 THE WITNESS: All right. And then the product leaves the  
 13 warehouse and goes anywhere from Canada to Denver, or whatever  
 14 retail store is nearby. Sometimes we send them to other  
 15 distribution centers.  
 16 HEARING OFFICER FONG: Okay. All right. That's helpful.  
 17 Now -- okay, I think that's a good background. Now -- okay, go  
 18 on. Go on in any -- what else does the employer -- go on.  
 19 THE WITNESS: So the people that operate the cranes, that  
 20 also operate the product coming in and out of the warehouse,  
 21 those are all the actual functions are general warehouse  
 22 coworkers. Recovery, stock control, internal haulers, those  
 23 are all operations support departments.  
 24 HEARING OFFICER FONG: Okay. And you said that's -- when  
 25 you say operational support, what do you mean? What does --

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1 that's the maintenance --  
 2 THE WITNESS: Yeah. The Employer's -- the one they just  
 3 provided for us during the break, it has -- you can see that --  
 4 HEARING OFFICER FONG: You know, I'll refer to that as  
 5 tentative Board Exhibit 3, okay?  
 6 THE WITNESS: Okay. Just look at Board Exhibit --  
 7 HEARING OFFICER FONG: Board Exhibit 3, it's going to be,  
 8 tentatively speaking, is the Employer-provided chart.  
 9 THE WITNESS: Okay, thank you. If you look at -- if you  
 10 look at that, you can see that there is a manager for  
 11 operate -- or SD warehouse manager, it's the operations -- what  
 12 everybody refers to as operations. And then the support  
 13 manager --  
 14 HEARING OFFICER FONG: Okay. I see that there, I see.  
 15 And then SD again, to remind me? SD stands for?  
 16 THE WITNESS: You know, just like Nahin -- something  
 17 distribution, I'm sure.  
 18 HEARING OFFICER FONG: That's fine. That's fine. We  
 19 don't understand operational. Okay, go on.  
 20 THE WITNESS: And so those departments support operations.  
 21 Handling materials, they're in charge of, like, the pallets.  
 22 Flow is in charge or keeping track of the logistics of the  
 23 trailers and the containers in the warehouse.  
 24 HEARING OFFICER FONG: Okay, okay.  
 25 THE WITNESS: The stock control recovery team leader, that

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1 team leader has both the departments. And those are kind of  
 2 self-explanatory with -- with, you know --  
 3 HEARING OFFICER FONG: Because stock and recovery job  
 4 classification are under which job -- branch on the chart?  
 5 THE WITNESS: Operational support manager, and they --  
 6 they have one team lead between the two. Even though it's two  
 7 departments, most departments -- all of them I can think of  
 8 have one team lead per department except for stock.  
 9 HEARING OFFICER FONG: Okay. And then the recovery  
 10 coworker would be what chart?  
 11 THE WITNESS: Underneath operational support with the  
 12 stock control and recovery team lead. If you look at the  
 13 bottom -- bottom left-hand square of the -- the Exhibit 3.  
 14 HEARING OFFICER FONG: I see stock control recovery lead.  
 15 Okay, I appreciate that. It's self-explanatory, but obviously,  
 16 when we have a big huge transcript, this system is very  
 17 helpful.  
 18 And what about the internal hauler; where would you  
 19 classify them under this chart, on Board Exhibit 3?  
 20 THE WITNESS: So actually, they are ran by the safety and  
 21 security department. So their team lead is going to be the  
 22 safety and security team leader. And I believe that safety and  
 23 security runs those because of the risk of reliability that  
 24 comes with running a truck like that. Although they work very  
 25 closely with operational support, they are actually underneath

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1 the supervision of safety and security.  
 2 HEARING OFFICER FONG: Okay. And refresh my recollection  
 3 again. You said that general warehouse coworkers are under  
 4 which branch?  
 5 THE WITNESS: So when it comes down to the -- the bottom  
 6 of the supervisory scale, general warehouse coworkers run all  
 7 operations and handling material is also made up of general  
 8 warehouse coworkers. And I'd like to put on the record that --  
 9 that a lot, not all, but a lot of stock controllers and  
 10 recovery coworkers started out as general warehouse coworkers.  
 11 HEARING OFFICER FONG: How do you know that?  
 12 THE WITNESS: Well, I am friends with a lot of those  
 13 people outside of work; and watching them be in one department  
 14 and getting moved to another department. IKEA doesn't like to  
 15 keep you -- the general -- the general warehouse coworkers in  
 16 one spot too long, so there's constant interchange. Like, I  
 17 wouldn't say promotions, but transfers between departments just  
 18 to keep everybody and to keep their skills --  
 19 HEARING OFFICER FONG: And again, for the record, this is  
 20 a perfect example where he says IKEA doesn't like to do this  
 21 and that. Obviously, the decision writer, you know, he going  
 22 to get that -- so that lacks foundation. So just for an  
 23 example. We'll move on, but he's doing extremely well, but  
 24 there's some things -- but there's some things that we don't  
 25 know whether the decision writer will allow it to be.

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1 And you were saying -- I'm sorry. You were saying that  
 2 because -- the factual testimony, which you did testify to as  
 3 well, is that you know based on your experience -- I'm sorry,  
 4 who get promoted to go ahead and do that?  
 5 THE WITNESS: So recovery coworkers, stock controllers,  
 6 not all of them but a lot of them were once general warehouse  
 7 coworkers.  
 8 HEARING OFFICER FONG: Okay.  
 9 THE WITNESS: I can tell you --  
 10 HEARING OFFICER FONG: What do you consider the entry  
 11 position -- the low level -- the low-level entry position to  
 12 be, based on your experience at work?  
 13 THE WITNESS: For IKEA, it's the general warehouse  
 14 coworker.  
 15 HEARING OFFICER FONG: Okay. All right.  
 16 THE WITNESS: But a lot -- I'd say a lot of our ranks are  
 17 filled by employees that were once temporary warehouse  
 18 coworkers from our temp agency.  
 19 HEARING OFFICER FONG: Okay, okay. And is it your  
 20 testimony -- was your testimony again, with which positions can  
 21 be filled through temps and which cannot of the unit positions  
 22 here at issue? The topics.  
 23 THE WITNESS: To address the auditor job classification.  
 24 I have no idea what the auditor -- I've never heard of it or  
 25 anything else. I'm pretty sure it exists, but it's really

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1 obscure, and I don't know. I couldn't tell you what department  
 2 that's under, who that team leader is, or any of the sort.  
 3 HEARING OFFICER FONG: You've never seen an auditor?  
 4 Never talked to an auditor?  
 5 THE WITNESS: No. No, I have no idea.  
 6 HEARING OFFICER FONG: All right. It is what it is; is  
 7 that your testimony?  
 8 THE WITNESS: Yes. So I cannot testify to that at all.  
 9 HEARING OFFICER FONG: All right.  
 10 THE WITNESS: Now, what was your question, Mr. Hearing  
 11 Officer?  
 12 HEARING OFFICER FONG: You answered it in terms of the  
 13 promotional opportunities for warehouse -- general warehouse  
 14 into what you testified to.  
 15 THE WITNESS: Except for the internal hauler, you have to  
 16 be -- those guys are really skilled. They back trailers --  
 17 semi-trailers up all day. Although there are temps that hold  
 18 that position, even currently; that is still a pretty highly  
 19 skilled job, that it's -- I can't think of any general  
 20 warehouse coworker that's ever gone to driving a truck from --  
 21 HEARING OFFICER FONG: Okay. And you were going to -- I'm  
 22 sorry. You were going to proceed in telling for the record  
 23 which -- what temps wear and how -- and whether you've seen  
 24 temps in the different job classifications?  
 25 THE WITNESS: I have seen -- I have seen in every job

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1 classification, except auditor, which I can't refer to, and  
 2 maintenance technicians.  
 3 HEARING OFFICER FONG: How so? What do temps wear?  
 4 THE WITNESS: Temps wear a high-visibility green, lime  
 5 green vest. Compared to IKEAs general -- to IKEAs vests, which  
 6 are orange; unless you're a manager, which is a black vest.  
 7 HEARING OFFICER FONG: And you're saying you've seen temps  
 8 wearing a -- you've seen temps doing internal hauler work; you  
 9 personally have seen them?  
 10 THE WITNESS: Yes, yes.  
 11 HEARING OFFICER FONG: You've seen temps doing recovery  
 12 work -- coworker work. You have seen them?  
 13 THE WITNESS: Yes. Yes.  
 14 HEARING OFFICER FONG: Same question for stock controller?  
 15 THE WITNESS: Yes.  
 16 HEARING OFFICER FONG: And as you know, I'm going to back  
 17 this all up. Like I said, it's really going to be additional  
 18 testimony where you're going to testify about all your  
 19 whereabouts, what you do specifically, all the types of the  
 20 facilities. So I will back up in terms of filling the record  
 21 that you've had and you've been able to have been at every  
 22 position. I know you're in the facility department, that's why  
 23 I take you've seen what I'm asking you, correct?  
 24 THE WITNESS: Correct.  
 25 HEARING OFFICER FONG: I'm about done on there with facts

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1 as the -- as the watchdog on the record, I needed to do that.  
 2 You've seen in your whereabouts, personally, warehouse workers  
 3 wearing those green temp vests?  
 4 THE WITNESS: Yes, yes. So the layout of the recovery --  
 5 where the recovery coworkers work is in a -- the back of  
 6 building 5. There's a section in the warehouse where recovery  
 7 and stock control, the two job classifications that have the  
 8 same team lead. There's a -- and they even have their own  
 9 office, kind of like maintenance. Although the team leader  
 10 doesn't have his desk there like maintenance had, but they have  
 11 a separate headquarters in the back of building 5 for the  
 12 recovery -- for the stock control and recovery coworkers, yes.  
 13 HEARING OFFICER FONG: Are you saying -- so correct me if  
 14 I'm wrong; you're saying that the recovery and stock control  
 15 unit classifications are exclusive -- I mean, their main job  
 16 hub is in the back of 5 -- building 5? Or just -- if you  
 17 didn't say that, please explain it to me.  
 18 THE WITNESS: The office -- so they have -- there is an  
 19 office there for them to do their computer work. But their  
 20 main -- when their -- most of their eight-hour shifts is  
 21 somewhere in the warehouse. But that is where they come to do  
 22 certain things.  
 23 HEARING OFFICER FONG: I see, I see. So the office --  
 24 their office is located in the back of 5 -- building 5.  
 25 THE WITNESS: Yes, yes.

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1 HEARING OFFICER FONG: But in terms of their work, where  
 2 they normally work out of, you're saying that recovery and  
 3 stock control, it can be at any of the five -- any of the six  
 4 building facilities?  
 5 THE WITNESS: Stock control and recovery has -- they will  
 6 stay in the back of building 5. There's a big location there  
 7 where they just sort through all the damaged product; they'll  
 8 open it up, they'll look at it, and if it's trash, they throw  
 9 it away for recycling. And if it's not, then they -- they  
 10 patch it up and it'll go back into the warehouse.  
 11 HEARING OFFICER FONG: Okay.  
 12 THE WITNESS: So when -- all that packaging is done in the  
 13 back of 5, yes.  
 14 HEARING OFFICER FONG: Okay. Let's -- I mean, you know  
 15 what you need to do. You already have your setup already. But  
 16 at some point in time, perhaps walk us through the main --  
 17 starting with the maintenance employees and yourself, what you  
 18 do at each of the five -- I'm sorry, at each of the six  
 19 buildings. And what you do outside as well, explaining the  
 20 hazmat and the maintenance sheds outside. At some point in  
 21 time, perhaps -- we'll go over that and then from then on,  
 22 we'll extrapolate as to what everybody else did, the additional  
 23 that maintenance do.  
 24 THE WITNESS: Sure.  
 25 HEARING OFFICER FONG: Also, and remind me to cover power

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1 equipment maintenance people -- maintenance person because we  
 2 haven't had any testimony on that.  
 3 THE WITNESS: Sure, sure. Let's do that now. So the  
 4 power equipment technician, he is the one that does the most  
 5 turning of a wrench on the power equipment. He -- he's got --  
 6 he's got an area within our own maintenance shop area, in the  
 7 middle of building 2, that he -- he just pretty much will stay  
 8 there all shift, and he just works on forklifts and reaches,  
 9 and all the power -- general power equipment. That's what he  
 10 does. Now --  
 11 HEARING OFFICER FONG: So he's limited to -- he's limited  
 12 to mostly what area again?  
 13 THE WITNESS: Inside of the maintenance shop, in the  
 14 middle of the -- where the maintenance --  
 15 HEARING OFFICER FONG: Oh, in the middle between buildings  
 16 1 and 2.  
 17 THE WITNESS: Yeah.  
 18 HEARING OFFICER FONG: Or between 1 and 4.  
 19 THE WITNESS: Yeah, underneath the E, yes.  
 20 HEARING OFFICER FONG: Okay, okay.  
 21 THE WITNESS: And he's just basically a mechanic that  
 22 turns wrenches on the power --  
 23 HEARING OFFICER FONG: Okay, all right.  
 24 THE WITNESS: Now, a maintenance technician. So each team  
 25 lead -- each team lead has a shift and they have -- first and

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1 second have four technicians underneath them. Third shift has  
 2 a few more, but basically, there's four maintenance techs for  
 3 each team lead in the maintenance departments. And a  
 4 maintenance tech -- so there's --  
 5 HEARING OFFICER FONG: And what shift -- tell -- of --  
 6 go -- go over there while you're -- while we're on the topic of  
 7 shifts, can you tell me the three shifts for -- applicable for  
 8 maintenance employees and then perhaps compare it to the shifts  
 9 of the other employees?  
 10 THE WITNESS: Sure. So first shift's maintenance starts  
 11 at 1 or 5 to 1:30. Second shift maintenance starts at 1 to  
 12 9:30. Third shift starts at 9 to 5:30. So there's a half-hour  
 13 overlap between the three shifts in maintenance. So in your  
 14 shift, you're going to see -- you're going to see the other two  
 15 shifts either at the beginning or at the end. There are --  
 16 HEARING OFFICER FONG: Are there four-ten -- you know,  
 17 what's a four-ten schedule?  
 18 THE WITNESS: So four-ten's operations -- general  
 19 warehouse coworkers, they have an option to work four ten-hour  
 20 days if they'd like to and there are some that chose to do  
 21 that. I can see that there are none that -- or at least  
 22 working four tens but there are. I don't see four-tens on the  
 23 shift but that's -- maybe that's not a shift that's just a  
 24 schedule. The four-tens start from -- they work Friday through  
 25 Mon --

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1 HEARING OFFICER FONG: No, there's -- we have no -- we  
 2 understand what a four-ten shift is. But you're saying --  
 3 you're saying that which job classifications qualify for four-  
 4 tens --  
 5 THE WITNESS: The general warehouse crew workers and  
 6 operations.  
 7 HEARING OFFICER FONG: Okay. What about -- okay. Who --  
 8 what about which job classification doesn't qualify for four-  
 9 ten schedule?  
 10 THE WITNESS: Handling materials. Oh, job  
 11 classifications. Recovery coworkers -- recovery coworkers,  
 12 stock controller, internal hauler, cleaner, and I don't know  
 13 about the auditor.  
 14 HEARING OFFICER FONG: What about the maintenance? Do  
 15 they qualify for four-tens?  
 16 THE WITNESS: No. No, they don't.  
 17 HEARING OFFICER FONG: Okay. All right. I see.  
 18 THE WITNESS: So a maintenance technician can have very  
 19 many duties. One of them is -- so we have a rotation. There's  
 20 four of us per shift. You might -- you work one week on the  
 21 floor. And what the guy on the floor does is he drives around  
 22 in his carts and the conveyor systems have a system of warning  
 23 when something's broken down. And when the guy on the floor  
 24 gets that warn -- the technician on the floor duties gets that  
 25 warning, he will go and address that breakdown of that function

<p style="text-align: right;">Page 154</p> <p>1 for the conveyor systems that go into the silo in buildings  2 1 -- or buildings 2 and 5.  3 HEARING OFFICER FONG: Okay.  4 THE WITNESS: He also will handle any calls that come over  5 the radio. We all carry radios to communicate with each other  6 and operations.  7 HEARING OFFICER FONG: Do you know whether the general  8 warehouse have radios?  9 THE WITNESS: They do not. Their team leads have -- their  10 team leads don't even have radios. There's a radio at the hub  11 which is like their headquarters in the front of building 1 for  12 operations. There's a radio there.  13 HEARING OFFICER FONG: And they call your name; you  14 communicate over with the radio? Who do you mainly communicate  15 with --  16 THE WITNESS: Other -- other maintenance. Other --  17 HEARING OFFICER FONG: -- on the -- other maintenance?  18 THE WITNESS: Yes, yes. Stock -- I'm sorry. Cleaners  19 also carry radios.  20 HEARING OFFICER FONG: Okay. What about internal hauler?  21 Do they carry radios?  22 THE WITNESS: There is a radio in their truck, yes.  23 HEARING OFFICER FONG: Similar to them, can you  24 communicate with anybody -- do they have -- do they have a  25 maintenance -- I mean, a radio similar to the same radio that</p>	<p style="text-align: right;">Page 156</p> <p>1 would say, and they just drive --  2 HEARING OFFICER FONG: Okay.  3 THE WITNESS: -- this crane up and down the racks and then  4 up and down, back and forward. And they just -- which they're  5 standing on just like a -- other co -- warehou -- the general  6 warehouse coworkers. They just -- they -- it's just another  7 system of putting the product in and out of the rack.  8 HEARING OFFICER FONG: All right. All right. That's  9 fine. Thank you. Going back to -- going back to what the  10 maintenance coworker does. You --  11 THE WITNESS: So --  12 HEARING OFFICER FONG: Yeah.  13 THE WITNESS: So you'll do one rotation. Each shift does  14 it a little bit different, but you'll be on the floor. And the  15 floor guy will also -- he'll handle any calls. He also handles  16 the faults of the conveyors.  17 The other maintenance technician, in his rotation, will  18 either -- so then one technician can do PMs, which is the  19 preventative maintenance, which is a list. You can get a list  20 of -- man, we've got PMs for everything. Like the bathrooms.  21 There's a restroom PM and what you do is you go through and you  22 got a checklist and you take your toolbag and you'll go through  23 the checklist and go through whatever PM that that PM is for,  24 and if you see something broke, you fix it, and if you can't,  25 you just make a note of it, but the purpose is to go through</p>
<p style="text-align: right;">Page 155</p> <p>1 you have?  2 THE WITNESS: Yes, yes. There are four different channels  3 that the FCC has given IKEA to -- to have and maintenance is on  4 one of those channels. The -- the other two, like safety and  5 security, is on a channel.  6 HEARING OFFICER FONG: Okay. So the job classifications  7 that you've got to have this -- have the same maintenance --  8 radios are the maintenance employees, internal hauler, cleaner,  9 you testified to so far. Anybody else?  10 THE WITNESS: The general warehouse coworkers that are in  11 the silos, the guys, the coworkers, the employees that run the  12 silos, they're -- they radio in these -- the cab of the silo.  13 HEARING OFFICER FONG: Okay. So okay, but. Okay. So  14 whoever is assigned to the silos, they'll have a radio there  15 for what purposes?  16 THE WITNESS: Mainly to -- to call maintenance if their --  17 their silo breaks down, a product gets tipped or falls out, or  18 the compactor is jammed.  19 HEARING OFFICER FONG: Okay.  20 THE WITNESS: It can --  21 HEARING OFFICER FONG: Oh, okay. Tell me what a silo --  22 what is a silo, again? Remind me.  23 THE WITNESS: So a silo is a different -- it's like a  24 forklift on a track that a coworker will operate and they  25 got -- they got controls like a -- like a fighter pilot, I</p>	<p style="text-align: right;">Page 157</p> <p>1 and make sure that you prevent a breakdown from happening.  2 HEARING OFFICER FONG: Do you have a log for this? I  3 heard --  4 THE WITNESS: Yes.  5 HEARING OFFICER FONG: -- in testimony.  6 THE WITNESS: Yes. There's some software on -- in the  7 maintenance shop that every -- every maintenance technician  8 have a login for and it keeps -- you put your time in the  9 workorder. Yes, yes. So it's all done through CAFM.  10 HEARING OFFICER FONG: Do you know, do they just have a  11 signature log that they have to turn in?  12 THE WITNESS: They do not.  13 HEARING OFFICER FONG: Okay. They do not. Okay.  14 MS. INESTA: Mr. Hearing Officer -- and I'm -- and my  15 apologies for interrupting -- but I just have to get on the  16 record we have to put a special objection to this testimony. I  17 understand that as a member of the maintenance department, he  18 probably has some firsthand knowledge and some information with  19 respect to the work that's done in the maintenance department.  20 But the level of detail that he's providing and the level of  21 information which, quite frankly, I mean, I have to just state  22 for the record is even inconsistent with, you know, through our  23 investigation, what we've learned. This is an awkward  24 situation in terms of evidence. But since the Board is charged  25 with trying to find what an appropriate unit is, it also needs</p>

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1 to be able to get information that is accurate and from people  
 2 with firsthand knowledge.  
 3 So I just want to state for the record. I know that we  
 4 have an ongoing objection that, in particular, this testimony  
 5 that's been discussed with respect to each of these positions,  
 6 we're going to put an objection on that it lacks foundation.  
 7 HEARING OFFICER FONG: That's fine. So noted. So noted.  
 8 And I understand. He's obviously -- he's -- he's testifying as  
 9 to what maintenance employee does -- do, so obviously, he's a  
 10 maintenance employee. Your objection may be more -- better  
 11 placed for -- were -- were he to be testifying about what's --  
 12 the job responsibilities of what other coworkers do. But so  
 13 noted. So noted for the record.  
 14 MS. INESTA: And what I'm talking about really is when  
 15 he's describing what's being -- what's being done by the  
 16 counterpart. Because he's made a lot of statements related to  
 17 who carries radios, to what certain warehouse workers do, how  
 18 they perform their job. And --  
 19 HEARING OFFICER FONG: I get it. No, I understand. He's  
 20 not really testifying --  
 21 MS. INESTA: Just want to be clear for the record.  
 22 HEARING OFFICER FONG: Yes, for the record. That's right.  
 23 We want to reach a conclusion, so. So it is what it is. But  
 24 your objection is noted for the record in case of -- at the  
 25 time that you want to, if need be, do -- take the DD -- DD&E up

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1 for Board review. So noted.  
 2 Again, I do see this testimony as factually -- what he  
 3 thinks about factually relevant or at a specific time, I want  
 4 to ask him what he does as a maintenance employee, so I think  
 5 that that's appropriate for the time being. But I'm sorry, the  
 6 objection is noted.  
 7 And so Petitioner, you can carry on on the maintenance  
 8 employee duties --  
 9 THE WITNESS: So --  
 10 HEARING OFFICER FONG: Go on, please.  
 11 THE WITNESS: Okay. So you're either on the floor or  
 12 you're doing PMs.  
 13 You can also be on the ASRS system which, is the  
 14 automatic -- automated storage and retrieval system, and that's  
 15 the one in building 6. That is a -- it's a highly -- it's --  
 16 it's pretty -- it's pretty impressive, really, but it's just  
 17 this high-tech way of -- another way of sorting the products.  
 18 The products, put in this tote. Our job as the ASR assistant  
 19 is to -- is to monitor the system for -- for faults and  
 20 breakdowns, anything that would slow the production of -- of  
 21 the system. And we also perform preventative maintenance on  
 22 all the components of the ASR system.  
 23 HEARING OFFICER FONG: Okay. And that's in building 6?  
 24 THE WITNESS: Yes. And building 6, again, is the CDC for  
 25 the internet purchases that -- that come from online. And that

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1 is a maintenance only, strictly us. So you can spend a shift  
 2 on there, working it.  
 3 And then you could be also be on projects, which is --  
 4 CAFM, the system that does our PMs, also has ways that if  
 5 somebody wanted a guard put up or -- or something in the  
 6 building because building maintenance -- the building alone,  
 7 without any operations, is still pretty -- is still very high  
 8 maintenance.  
 9 HEARING OFFICER FONG: Okay.  
 10 THE WITNESS: The building alone has issues and -- like,  
 11 we got 30 -- 30 toilets in the facility. So there's a lot that  
 12 happens that -- that that third maintenance -- the guy on  
 13 projects does. And we have a rotate so nobody gets burnt out  
 14 between being on the floor all the time or being at the ASRS.  
 15 HEARING OFFICER FONG: Okay. Talk to me a little more  
 16 about the -- your work outside of the facility, the testimony  
 17 about --  
 18 THE WITNESS: Sure. A PM can take you outside. The one  
 19 that comes to mind is, like, the fence PM, so you might have to  
 20 walk the whole fence line.  
 21 HEARING OFFICER FONG: What's a PM again?  
 22 THE WITNESS: Preventative maintenance. It's -- it's  
 23 going through something and making sure there's not going to be  
 24 a breakdown any time soon. So you're going to go through it  
 25 and make sure that it's working good; you clean it. If you see

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1 something that looks like it's going to break, you fix it  
 2 before it does, basically.  
 3 HEARING OFFICER FONG: Okay. Okay. This is work that you  
 4 do outside?  
 5 THE WITNESS: Some PMs are outside. Some projects will  
 6 take you outside. Sometimes being on the floor will take you  
 7 outside. Maintenance could be -- maintenance could be anywhere  
 8 at any time. Our jobs could put us on the roof for eight hours  
 9 or it could, you know -- yeah, so it's really -- it's really  
 10 not the same. It's really hard to pick where we --  
 11 HEARING OFFICER FONG: Okay. Talk to me about restricted  
 12 areas. There was some prior testimony about maintenance-only  
 13 access areas --  
 14 THE WITNESS: Sure.  
 15 HEARING OFFICER FONG: -- for log activity.  
 16 THE WITNESS: Sure. So the building, itself, has -- it  
 17 consumes a very vast amount of electricity. So we have solar  
 18 panels and stuff. So we -- the roof is maintenance only. We  
 19 got keys to the roof. We have keys to the electrical panel,  
 20 which are maintenance-only areas. A lot of those. The pump --  
 21 we got a elaborate fire system for -- you know, fire  
 22 suppression system. Maintenance has keys to those locations.  
 23 The hazardous material. We get training on the hazardous  
 24 materials from bloodborne pathogens to biohazards to --  
 25 anything that might hurt the environment if it's not disposed

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1 of properly take you outside the warehouse.  
 2 We have -- we have just anything outside the warehouse.  
 3 There are -- there's lights. There's electrical out there that  
 4 we -- we maintain.  
 5 The jockey trucks are out there. We can get called out  
 6 there to work on them or try to fix them.  
 7 There are -- sometimes some plumbing issues might take you  
 8 outside if you're backtracking it out there. To the solar  
 9 panels, like I said.  
 10 If it's raining sometimes. It's got a lot of skylights on  
 11 the warehouse. Rain -- sometimes they leak. You got to get up  
 12 and go shut the -- shut the skylight so the water doesn't get  
 13 in.  
 14 All those are something that is strictly for maintenance.  
 15 HEARING OFFICER FONG: You talked about having -- there  
 16 was testimony earlier about 20 keys. Is the -- what is it  
 17 about the 20 keys that --  
 18 THE WITNESS: So --  
 19 HEARING OFFICER FONG: -- that's special to the  
 20 maintenance employees?  
 21 THE WITNESS: It's just another example of -- of how we  
 22 have job duties that are vastly different than the rest of the  
 23 proposed -- or the proposed unit. Like I said, maintenance  
 24 could bring us in somebody's office. We have keys to -- to all  
 25 the electrical panels, to -- oh, man, I'm drawing a blank --

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1 the maintenance hubs, the cranes. We have keys to the fire  
 2 suppression system, the -- the emergency doors. We have keys  
 3 to -- we have -- we have a lot.  
 4 HEARING OFFICER FONG: Do all the cleaner -- do all the  
 5 cleaners have an equal number of keys?  
 6 THE WITNESS: They are issued no keys.  
 7 HEARING OFFICER FONG: How do you know that?  
 8 THE WITNESS: Well, we work really closely with -- with --  
 9 their job function wouldn't take them anywhere that would need  
 10 them.  
 11 HEARING OFFICER FONG: Have you ever seen -- I mean,  
 12 obviously, I -- you know, we all know -- we've seen people come  
 13 to our home; they're, like, wearing a big sack of keys. You  
 14 can kind of hear it. Is that how you can -- where do you --  
 15 where do you guys wear your keys?  
 16 THE WITNESS: On our hips.  
 17 HEARING OFFICER FONG: So they're visible?  
 18 THE WITNESS: Yes, yes.  
 19 HEARING OFFICER FONG: Big sack of keys? Loud, make  
 20 noise?  
 21 THE WITNESS: Yes, exactly. Exactly. They're on a -- on  
 22 a lanyard so you don't lose them.  
 23 HEARING OFFICER FONG: Do you ever see that from the --  
 24 from the cleaners?  
 25 THE WITNESS: No. No.

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1 HEARING OFFICER FONG: Do you ever see that from any other  
 2 job classification at issue here?  
 3 THE WITNESS: No. No.  
 4 HEARING OFFICER FONG: Okay. All right. You were --  
 5 there was some previous testimony about training, skills, about  
 6 electrical, plumbing, things like that. Talk to me about that  
 7 in reference to the maintenance employees.  
 8 THE WITNESS: So the maintenance training we get is mostly  
 9 safety training. We have very little technical training on the  
 10 skills that -- or the things we do. The training we do get is  
 11 for safety and we have a lot of safety training that's --  
 12 that's special to maintenance -- or maintenance has a lot of  
 13 training that's for hand tools, hazardous materials, and you  
 14 know, the --  
 15 HEARING OFFICER FONG: Who provides this training and  
 16 where?  
 17 THE WITNESS: The training is provided by the safety  
 18 department, or our team lead will sometimes. Or there's also a  
 19 program that the maintenance safety team lead guy, Robert  
 20 Spivey, he's in charge. There's also some safety training  
 21 that's done over the computer.  
 22 HEARING OFFICER FONG: Okay. And then we're -- normally,  
 23 we're -- I think there was testimony where -- yeah, there was a  
 24 little bit of testimony on this, but elaborate on where here is  
 25 this training held and how often?

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1 THE WITNESS: So if it's on the computer, it's held in the  
 2 maintenance shop. If it's done by safety, it will be held in a  
 3 conference room. And if it's done by your team leader, it will  
 4 be held at the shop, too.  
 5 HEARING OFFICER FONG: And in this training, how -- can  
 6 you -- how -- can you elaborate on how -- is this training  
 7 limited to maintenance employees only or anybody else?  
 8 THE WITNESS: Sure.  
 9 HEARING OFFICER FONG: How do you know that?  
 10 THE WITNESS: The cleaners do have a lot -- they have --  
 11 we share some training. They have pieces of equipment that --  
 12 that's special to them for trash. Like they have compactors  
 13 and bailers that compress the trash that we work on but we  
 14 don't operate. So they would be the only ones that share --  
 15 all right, that's not -- so there is training that all  
 16 employees get from safety every year, the annual training. And  
 17 everybody, no matter what department, we all go through that  
 18 same training and that's just the basic training that everybody  
 19 needs to satisfy the requirements by the State or -- okay.  
 20 And then there is specific true maintenance training  
 21 for -- for the -- our job duties like electrical. There's  
 22 training for hot work permit, for welding. Fire is a big  
 23 concern at the warehouse so there's a lot of training with  
 24 fire.  
 25 HEARING OFFICER FONG: And do you -- you obviously -- you

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1 participated in this preventative-maintenance-only training?  
 2 THE WITNESS: Absolutely.  
 3 HEARING OFFICER FONG: How many -- is it -- how many --  
 4 let's say on the -- in the past six months, how much -- have  
 5 you gotten any training specific to maintenance?  
 6 THE WITNESS: Yes. We just had -- so your -- the training  
 7 comes in various bouts of times, but I think we just had fire  
 8 extinguisher training. That comes to mind.  
 9 HEARING OFFICER FONG: And for the fire extinguisher  
 10 training, was it just preventative maintenance employees only?  
 11 THE WITNESS: Maintenance technicians and supervisors.  
 12 HEARING OFFICER FONG: Okay. All right, so fire -- give  
 13 me another example of training you've had specific only to  
 14 maintenance employees. Give me a --  
 15 THE WITNESS: So there is -- there's SOPs, standard  
 16 operating procedures, for a lot of the functions that we do and  
 17 that training is held, too. We have an SOP for -- for getting  
 18 things -- products that's tilted on the rack, like if it's  
 19 falling down. There's an SOP for that. We just had that.  
 20 Every --  
 21 HEARING OFFICER FONG: Do that one -- and that one's  
 22 specific only for maintenance employees?  
 23 THE WITNESS: Yes.  
 24 HEARING OFFICER FONG: You saw nobody else from the other  
 25 units in that training?

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1 THE WITNESS: No, nobody else.  
 2 All the training specific to maintenance I can think of  
 3 is, like, hand tools. We have vast amount of power tools.  
 4 Safety training for that. We have --  
 5 HEARING OFFICER FONG: And only maintenance employees  
 6 again at this training?  
 7 THE WITNESS: Yes, yes.  
 8 MS. INESTA: Mr. Hearing Officer, I'm just going to put  
 9 for the record that I'm going to object on the grounds that it  
 10 is assumes facts not in evidence.  
 11 HEARING OFFICER FONG: So noted. Fine. Thank you.  
 12 You -- and you participated in these trainings. You  
 13 participated in these particular trainings for maintenance?  
 14 THE WITNESS: Yes --  
 15 HEARING OFFICER FONG: Are this by -- working by shift or  
 16 by -- or is it just one training that everybody goes to, if you  
 17 know?  
 18 THE WITNESS: It's just broken down by shifts. There's a  
 19 time for each shift to get some training in.  
 20 HEARING OFFICER FONG: Okay. On average, that -- you've  
 21 testified that you participated along with a few or many of  
 22 your maintenance employees. How many trainings for -- let's  
 23 say, in the last year that you attended to participate only --  
 24 only for maintenance --  
 25 THE WITNESS: So all the training has to be done every

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1 year. So I'd say there's probably -- for us, there's probably  
 2 at least -- at least 30 hours of training a year, I would say.  
 3 I mean, that's -- again, I'm guessing so maybe I shouldn't say  
 4 that. There is -- I can -- I can say at least -- yeah, no --  
 5 30 hours. I can -- safe to say there's 30 hours of training  
 6 that maintenance technicians do.  
 7 HEARING OFFICER FONG: Based on your recollection --  
 8 THE WITNESS: Yes.  
 9 HEARING OFFICER FONG: -- of the -- for the past four  
 10 months?  
 11 THE WITNESS: Yes.  
 12 HEARING OFFICER FONG: Okay.  
 13 THE WITNESS: Now, to get to the COVID training. COVID  
 14 also brought some training that's specific to maintenance  
 15 because we had supervised cleanup. When a coworker would get  
 16 sick, we would have the company come in and disinfect the  
 17 warehouse, and maintenance was tasked with overseeing that  
 18 function.  
 19 HEARING OFFICER FONG: Okay.  
 20 THE WITNESS: So there's all this COVID training and stuff  
 21 like that that we had to go through.  
 22 HEARING OFFICER FONG: All right. Are there any  
 23 particular promotions or promotion opportunities or bonuses  
 24 that apply to maintenance that you know of?  
 25 THE WITNESS: None.

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1 HEARING OFFICER FONG: Do you know of any promotions that  
 2 apply to any other of the unit classifications?  
 3 THE WITNESS: Not --  
 4 HEARING OFFICER FONG: If it's --  
 5 THE WITNESS: Not any different than any other coworker,  
 6 no.  
 7 HEARING OFFICER FONG: All right. Let's look at  
 8 Petitioner's Exhibit 5, and this is the -- I believe that's  
 9 the -- the uniform.  
 10 THE WITNESS: Yes. So I'm sorry about the picture, but --  
 11 HEARING OFFICER FONG: No, that's fine. Describe  
 12 Petitioner's 5 please.  
 13 THE WITNESS: Okay. So this picture was taken yesterday  
 14 at the end of a break and we're in part of the break room. And  
 15 I just took it to show --  
 16 HEARING OFFICER FONG: You don't have to identify -- don't  
 17 identify the employees by name, but --  
 18 THE WITNESS: Yeah.  
 19 HEARING OFFICER FONG: -- you do testify that this -- tell  
 20 me person on the left and person on the right; are they  
 21 maintenance employees?  
 22 THE WITNESS: So if you're looking at the picture, I am on  
 23 the left and a coworker is on the right. And the -- that  
 24 coworker is just like with her IKEA orange vest, and he's  
 25 wearing a T-shirt and I think he was wearing jeans. I can't

<p style="text-align: right;">Page 170</p> <p>1 tell, so I shouldn't say that. But I took that picture to show  2 the difference in the look --  3 HEARING OFFICER FONG: You're the one wearing the --  4 the -- the mask?  5 THE WITNESS: Yes.  6 HEARING OFFICER FONG: I'm sorry. Everyone's wearing a  7 mask. You're the one wearing the black -- the -- the  8 sunglasses?  9 THE WITNESS: Yes, yes, yes.  10 HEARING OFFICER FONG: Okay. Break it down. So -- so  11 break it down. Break down the uniform that you're wearing.  12 Break it down in terms of with the little walkie-talkie and --  13 THE WITNESS: So --  14 HEARING OFFICER FONG: Afterwards, I intend to introduce  15 this exhibit into the record. Okay?  16 THE WITNESS: Very well. You really can't tell from the  17 picture, but you see that it's long sleeve, it's -- it's a  18 fire-retardant electrical hazard material. Every -- every  19 employee has to wear their badge for the reasons of security.  20 You can see that that coworker -- that coworker is just -- just  21 like a general -- that coworker is dressed just like a general  22 warehouse coworker, stock controller, recovery.  23 HEARING OFFICER FONG: Does is -- is it your testimony  24 that the person next to you with the orange vest, that  25 that's -- that -- tell me again what your testimony is for that</p>	<p style="text-align: right;">Page 172</p> <p>1 I'm sorry. Hang on. Go on. Say again?  2 I have some log -- some audio issues. Speak up,  3 Petitioner.  4 THE WITNESS: What was the question?  5 HEARING OFFICER FONG: Yeah. Do the recovery cowork -- do  6 the -- does the clothing specification of recovery coworker,  7 are they -- do they wear this vest, the orange vest?  8 THE WITNESS: Yes. Yes.  9 HEARING OFFICER FONG: You said yes? I'm sorry.  10 THE WITNESS: Yes.  11 HEARING OFFICER FONG: What about stock controller? Did  12 they wear those vests?  13 THE WITNESS: Yes.  14 THE COURT REPORTER: Mr. Hearing Officer? I'm sorry, it's  15 Claudine.  16 HEARING OFFICER FONG: What about --  17 THE COURT REPORTER: Your voice is --  18 HEARING OFFICER FONG: -- cleaners?  19 THE COURT REPORTER: -- a little muffled. It's hard to  20 understand what you're actually saying.  21 HEARING OFFICER FONG: I'm sorry. I'm having some audio  22 issues.  23 THE COURT REPORTER: From that interruption, yes.  24 HEARING OFFICER FONG: Say something, Mr. Petitioner.  25 THE WITNESS: Test, test, test. One --</p>
<p style="text-align: right;">Page 171</p> <p>1 person on the -- with the orange vest?  2 THE WITNESS: That person is -- I believe he's a general  3 warehouse coworker. But he -- he is dressed just like a -- I  4 know he's a general warehouse coworker, but that is also how  5 the other departments, minus internal haulers, cleaners, and  6 maintenance, dress of the hourly employees.  7 HEARING OFFICER FONG: Okay. So say it in another way.  8 The recov -- this vest --  9 THE WITNESS: This vest --  10 HEARING OFFICER FONG: -- apply to warehouse -- general  11 warehouse workers. Who else?  12 THE WITNESS: 90 percent of the -- the people in  13 attachment C wear just --  14 HEARING OFFICER FONG: Which are the general warehouse  15 coworkers, right?  16 THE WITNESS: Actually, and then if you also add the  17 recovery and stock controller coworkers so, you know. But,  18 yeah, over 90 percent of the petition for -- or additional  19 employees for the petition for a unit wear that same vest. And  20 that -- besides their steel-toed shoes, which you can't see,  21 but that's -- that's their required dress. And everybody has  22 to have the policy -- everybody signed the policy on that, too,  23 so.  24 HEARING OFFICER FONG: The -- the recovery -- the recovery  25 coworkers, did they (audio interference)?</p>	<p style="text-align: right;">Page 173</p> <p>1 HEARING OFFICER FONG: Can you guys hear me?  2 THE WITNESS: Barely.  3 MR. HART: Not very well.  4 HEARING OFFICER FONG: Hold on.  5 Nancy, can you hear me now?  6 MS. INESTA: Yeah, that's much better.  7 HEARING OFFICER FONG: Hold on. I'm having some audio  8 issues.  9 All right. I was having some technical difficulties. Can  10 everybody hear me right now?  11 MS. INESTA: Yes, we can hear you.  12 HEARING OFFICER FONG: Mr. Petitioner, speak up. Let me  13 see?  14 THE WITNESS: Test, test, test. Can you hear me?  15 HEARING OFFICER FONG: Oh, hold on a second. Okay, I'm  16 back on. For some reason --  17 Mr. Petitioner, say something again.  18 THE WITNESS: A, B, C, D, 1, 2, 3.  19 HEARING OFFICER FONG: So weird.  20 Nancy, can you say something.  21 MS. INESTA: Yeah. Can you hear me now?  22 HEARING OFFICER FONG: Hold on.  23 MS. INESTA: It's doing this very weird thing where it's  24 almost like cutting out with static for a moment and then it's  25 hard to hear you after that.</p>

<p style="text-align: right;">Page 174</p> <p>1 HEARING OFFICER FONG: All right. Give me one second.  2 Okay? Hold on.  3 Mr. Petitioner, say something again.  4 THE WITNESS: Can you hear me now?  5 HEARING OFFICER FONG: I don't know why I can't hear you.  6 Hold on. Nancy, can you say something again?  7 MS. INESTA: Yeah, I can hear the Petitioner.  8 THE COURT REPORTER: Mr. Hearing Officer, would you like  9 to go off the record?  10 HEARING OFFICER FONG: Claudine, can you hear me?  11 THE COURT REPORTER: Yes, sir.  12 HEARING OFFICER FONG: For some reason, I cannot hear  13 anybody's voices. Hold on. You know what? Why don't we --  14 why don't we leave the meeting and sign back on because for  15 some reason, I cannot hear anybody's audio. Hopefully, that  16 will reboot the system. Okay?  17 MS. INESTA: Okay.  18 HEARING OFFICER FONG: Thank you, everyone. So let me  19 leave the meeting and everybody sign back on. Okay?  20 MS. INESTA: Okay.  21 HEARING OFFICER FONG: Thank you.  22 (Off the record at 2:46 p.m.)  23 HEARING OFFICER FONG: Okay. It seems to be back on.  24 Let's hope that this works better.  25 THE COURT REPORTER: I can hear you. Can you hear me?</p>	<p style="text-align: right;">Page 176</p> <p>1 MS. INESTA: We've had hiccups that have not gone away.  2 They're just, like, persistent in these --  3 HEARING OFFICER FONG: Thank God. I think I may have  4 accidentally pressed the mute button on my keyboard and that  5 finally compressed it. So I think I did it.  6 Jeremy, we're back on. I think I can hear everybody now.  7 MR. HART: Okay, great.  8 HEARING OFFICER FONG: I can hear you, too. Right. Nice.  9 MS. INESTA: Perfect.  10 HEARING OFFICER FONG: Nice, nice. Okay. Very nice.  11 Thank you so much. Let me pull -- let me go ahead and go back  12 to Exhibit 5, which is the uniforms. I'll just put it on my  13 second screen. Okay. All right. Back on.  14 Exhibit -- everyone got Petitioner's Exhibit 5 out in  15 front of them?  16 MS. INESTA: Yes.  17 HEARING OFFICER FONG: Thank you so much.  18 Mr. Petitioner. Okay. So talk to me a little bit more  19 about your uniform. Are those stripes that I see? Are those,  20 like, sewed on?  21 THE WITNESS: Yes, they are. So our uniforms comes from a  22 uniform company that -- that launders them and brings them to  23 and from the warehouse. They -- those stripes. So there is a  24 high-visibility requirement for you to be in the warehouse, and  25 that is our way to satisfy that, that requirement.</p>
<p style="text-align: right;">Page 175</p> <p>1 HEARING OFFICER FONG: Mr. Petitioner, can you say  2 something.  3 THE WITNESS: Test, test, test, 1, 2, 3. Can you hear me?  4 HEARING OFFICER FONG: Say something again.  5 THE WITNESS: Test, test, test, 1, 2, 3.  6 HEARING OFFICER FONG: Say something again.  7 Wait. We're back -- we're back on. Sounds good. I  8 accidentally may have pressed the mute button on my keyboard.  9 I think we're good. I'm back on. That's good. Sorry about  10 that.  11 Mrs. Court Reporter, Madame Court Reporter, you can hear  12 me.  13 THE COURT REPORTER: Yes, sir. I can hear you.  14 HEARING OFFICER FONG: Very nice. Okay. I think we're  15 back on. I see Nancy coming onboard.  16 Hi, Nancy. I'm back on. I think we're back to normal,  17 thank God.  18 MS. INESTA: Oh, good. Can you hear me?  19 HEARING OFFICER FONG: I can hear you very well now.  20 MS. INESTA: Turn on my video.  21 HEARING OFFICER FONG: Yeah, thank you for that. Little  22 hiccup right there. Thank God -- you know, I think I  23 accidentally --  24 MS. INESTA: I fixed it because --  25 HEARING OFFICER FONG: Yeah --</p>	<p style="text-align: right;">Page 177</p> <p>1 The orange vest is standard issue to the employees of IKEA  2 if you aren't a supervisor. And that's standard to whatever  3 department you work in.  4 HEARING OFFICER FONG: And you got that -- are you guys --  5 are you guys -- is your uniform requirement wearing that orange  6 vest?  7 THE WITNESS: Not -- not for me. My requirement is my  8 fire-retardant thing.  9 HEARING OFFICER FONG: Shirt.  10 THE WITNESS: For the other employees, yes. Yes, that is  11 a requirement that IKEA --  12 HEARING OFFICER FONG: You mean all the other employee  13 classifications excluding the maintenance; is that what you  14 mean?  15 THE WITNESS: Excluding the maintenance, the internal  16 haulers, and the cleaners.  17 HEARING OFFICER FONG: All right.  18 THE WITNESS: Currently.  19 HEARING OFFICER FONG: All right.  20 THE WITNESS: And supervisors. Their -- their vest is a  21 little bit different than the orange one, but it's still high  22 visibility and the supervisor's vest dictates that they are a  23 supervisor.  24 HEARING OFFICER FONG: There was some earlier testimony  25 from Mr. Nahin about some employees other than maintenance and</p>

<p style="text-align: right;">Page 178</p> <p>1 the power equipment technician, the petition -- the per -- unit  2 wearing some fire retardant, but what I recall from -- a lot  3 thinner grade. Could you elaborate on that?  4 THE WITNESS: Yes. So I do believe that -- that he --  5 he's not correct in that. The thinner grade is just the  6 regular version of the uniform.  7 The fire retardant is -- is the ones that the maintenance  8 personnel are required to wear that are only issued to them.  9 So the internal haulers and the cleaners have a uniform similar  10 to maintenance, but theirs is either -- it can be short sleeve,  11 as well. They have long sleeve and short sleeves which are  12 only for them. And their stripes are similar, as well. But  13 the internal haulers -- where my shirt is blue, theirs is -- is  14 tan.  15 HEARING OFFICER FONG: Okay. Can you wear a short sleeve?  16 Do you --  17 THE WITNESS: No.  18 HEARING OFFICER FONG: No short. Missing -- so, like,  19 what I see here on your -- blue is exactly the -- your  20 maintenance uniform.  21 THE WITNESS: Yes. Some maintenance technicians like to  22 roll their sleeves up.  23 HEARING OFFICER FONG: I see.  24 THE WITNESS: But that -- that's -- technically, that's  25 not -- that's not allowed.</p>	<p style="text-align: right;">Page 180</p> <p>1 HEARING OFFICER FONG: All right.  2 MS. INESTA: -- don't have an objection to the document  3 that just basically speaks for itself.  4 HEARING OFFICER FONG: All right. With those qualifiers,  5 I'll admit Petitioner's 5 into the record.  6 (Petitioner Exhibit Number 5 Received into Evidence)  7 HEARING OFFICER FONG: Madame Court Reporter, will you be  8 so kind. I think that this might be a good time for a  9 refresher in terms of what petitions -- what Petitioner  10 exhibits have gone into the record so far.  11 THE COURT REPORTER: Just 1 and 5.  12 HEARING OFFICER FONG: Just 1 and 5, right?  13 THE COURT REPORTER: Yes, sir.  14 HEARING OFFICER FONG: Thank you so much.  15 And Board exhibits, with -- we are at 1, 2 and -- is it  16 just 1 and 2 so far?  17 THE COURT REPORTER: Yes, sir.  18 HEARING OFFICER FONG: Yes. And Number 3 is that chart  19 that I will make a ruling on mom -- shortly.  20 All right. For everyone's sake, let's see. We have  21 Petitioner's 1 into the record. 2, 3, and 4, we'll reference  22 them shortly but not into the record yet.  23 Petitioner 5 is in the record. All right.  24 All right. Let me gather my documents here to proceed.  25 What else -- what -- what additional testimony you like to</p>
<p style="text-align: right;">Page 179</p> <p>1 HEARING OFFICER FONG: Okay. And then can you wear  2 shorts?  3 THE WITNESS: No. No.  4 HEARING OFFICER FONG: Can cleaners wear shorts?  5 THE WITNESS: Yes.  6 HEARING OFFICER FONG: Okay. What about the -- the just  7 say real brief, that walkie -- that little voice thingy,  8 walkie-talkie you have there.  9 THE WITNESS: Yeah. So that's the microphone and it's  10 connected to a radio that's probably on the back of my belt.  11 And that's how we communicate with other maintenance  12 technicians, with our team lead, and with -- there's other  13 radios in jockey trucks. The crane drivers, the silo drivers  14 have radios as well as safety and security. They carry radios,  15 too.  16 HEARING OFFICER FONG: Okay, all right.  17 What is your position of the authenticity of this exhibit,  18 Employer? Employer's counsel?  19 MS. INESTA: Mr. Hearing Officer, we -- I don't have an  20 issue with the -- with the photo to the extent that it really  21 just is being included as a photo of him and a warehouse  22 coworker. I know there was some testimony as to, you know,  23 this exact same thing that, you know, all of these other  24 classifications. So without -- without conceding any of that,  25 of course, we --</p>	<p style="text-align: right;">Page 181</p> <p>1 provide, Mr. Petitioner?  2 THE WITNESS: So we -- I --  3 HEARING OFFICER FONG: Subject to some additional  4 clarification questions that I have. Okay?  5 THE WITNESS: Okay.  6 HEARING OFFICER FONG: Talk to me about -- talk to me --  7 no, go ahead. I'm sorry, go ahead.  8 THE WITNESS: So pay scales. I can testify that -- that  9 they --  10 HEARING OFFICER FONG: Just let's start with testifying  11 about your -- your salary. Okay?  12 THE WITNESS: Yeah. I make -- I make 22 and some change.  13 I can't -- honestly, I can't tell you. It's \$22.65 I think I  14 make an hour.  15 HEARING OFFICER FONG: Have you had discussions with the  16 other co -- have you had discussions with any of your other  17 maintenance coworkers as to their rate of pay?  18 THE WITNESS: In -- in a way. I haven't -- I can't tell  19 you exactly what they pay, but -- but I can tell you that they  20 don't make over a certain dollar amount. I have asked them  21 all, like, have -- if they make a certain dollar amount or not,  22 and they said no.  23 HEARING OFFICER FONG: Okay. And what is that amount?  24 THE WITNESS: Nobody makes over \$26 an hour in  25 maintenance.</p>

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1 HEARING OFFICER FONG: Okay. And that's based on --

2 THE WITNESS: It's technicians, maintenance technicians.

3 HEARING OFFICER FONG: Maintenance technician --

4 THE WITNESS: Victor in power equipment, I have no idea

5 what he makes, but I know that he's -- he's been there for a

6 long time and he's probably maxed out.

7 HEARING OFFICER FONG: Do you know the salary range of

8 the -- of the cleaners?

9 THE WITNESS: So I can't say with certainty. I do --

10 okay.

11 HEARING OFFICER FONG: I'm only asking if you have spoken

12 to -- if you know -- if you have spoken at least with one

13 cleaner and they've given you their salary, then you can say.

14 Otherwise, if you haven't, then just say -- state it as exactly

15 what you just said, you can't say with -- for certain. Okay?

16 THE WITNESS: Oh, but salaries --

17 HEARING OFFICER FONG: Yeah. Go ahead.

18 THE WITNESS: I can't say for certain that Oscar -- Oscar

19 that was once a waste -- a preventative maintenance technician,

20 like Nahin testified, is now a cleaner. He was making that pay

21 rate as a preventative maintenance tech and I don't -- you know

22 what, I can't testify. I'm sorry, so.

23 HEARING OFFICER FONG: That's okay. That's okay. It

24 happens.

25 Do you know the salary range of -- of warehouse coworkers?

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1 THE WITNESS: I do not.

2 HEARING OFFICER FONG: How about of -- do you know the

3 salary range for any of the other job classifications at issue?

4 THE WITNESS: Internal hauler is the same pay scale as the

5 maintenance technicians, which is HO-4, and they -- they max

6 out and that's the same pay scale as maintenance.

7 HEARING OFFICER FONG: They max out at what, if you know?

8 THE WITNESS: \$32.

9 HEARING OFFICER FONG: And the maintenance maxes out. Do

10 you know what time -- at what rate the maintenance maxes out

11 at?

12 THE WITNESS: The exact? No, I can't tell you the exact

13 number. I know it's over \$32, though.

14 HEARING OFFICER FONG: But you had testified earlier that

15 maintenance capped out at 27. What do you mean by that? Did I

16 get that wrong?

17 THE WITNESS: You must have. The middle of the -- so

18 there is a low end of the scale, which is 19 or \$20 and some

19 change.

20 HEARING OFFICER FONG: For maintenance, we're talking

21 about?

22 THE WITNESS: Yes, yes. HO-4 -- maintenance falls into

23 HO-4 and that -- that category is right around 20 bucks to

24 begin and 32 at the max, and so the middle is 26 and some

25 change. That's -- that's maybe what I was referring to, 26 --

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1 HEARING OFFICER FONG: Okay. And elaborate on the HO-4.

2 What do you mean by that?

3 THE WITNESS: So reading the policies that -- that we all

4 have to sign, the HO-4 is hourly. Your job scale is based on

5 the hours you work and it's up to the individual location to

6 decide what your pay scale is. So our pay scale in maintenance

7 was HO-3 and now we're HO-4, and so are the internal haulers as

8 well as the power equipment technicians. And you know what?

9 To be honest, I cannot tell you what the other -- what the

10 other job classifications are. I don't --

11 HEARING OFFICER FONG: I appreciate that. No, I

12 appreciate that. What's your -- what's your hourly -- number

13 of hours per week?

14 THE WITNESS: I definitely get 40 hours a week.

15 HEARING OFFICER FONG: Do you -- are -- do you get

16 overtime? Are you subject to overtime?

17 THE WITNESS: If it's necessary, I will work overtime.

18 HEARING OFFICER FONG: Can you -- in the past six --

19 THE WITNESS: An hour or two a week, on average.

20 Sometimes there's been an incident or something that we --

21 HEARING OFFICER FONG: In the past six months, how many

22 times have you worked overtime?

23 THE WITNESS: Oh, many times, many times. But it's

24 only -- it's only maybe an hour or so each time and it's maybe

25 once a week or so.

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1 HEARING OFFICER FONG: Do you know if -- do you know if --

2 do you know of -- do you know if any of the other job

3 classifications are subject to overtime? Do you know?

4 THE WITNESS: I do -- I do know that they put up for

5 operations a list if you want to work an extra ninth hour on

6 your shifts that you got sometimes, operations.

7 HEARING OFFICER FONG: And you see -- and you see that

8 where?

9 THE WITNESS: It is in the hub, which is basically the

10 headquarters of the operations department, and they'll go and

11 announce it over the speaker, the PA system, sometimes if -- if

12 they need coworkers to stay over.

13 HEARING OFFICER FONG: Okay. I've got to say let me pull

14 up that chart. Board 5 -- Board Exhibit -- potential Board

15 Exhibit 3. One second.

16 Okay. I'm sorry. The company decided who else -- who

17 else from operations is subject to overtime as you have seen

18 it?

19 THE WITNESS: I believe everybody is.

20 HEARING OFFICER FONG: And how certain -- and what do you

21 base that on again?

22 THE WITNESS: I do know that -- that the operations -- the

23 operations department at SD, they -- they will -- they will

24 announce it over the loudspeaker if they need people to work

25 overtime sometimes. Sometimes they'll just hang up a sheet in

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1 the -- in the -- the common area where they -- they meet to see  
 2 who wants to work overtime. I do believe it's -- it's -- their  
 3 team lead has to approve it, though, but most of the time,  
 4 it's -- it's the -- I do believe they're -- they're allowed to  
 5 work a lot of it.  
 6 HEARING OFFICER FONG: Do you have to -- do you have to get  
 7 approval for overtime yourself, and from whom?  
 8 THE WITNESS: No, I do not. I do not. I --  
 9 HEARING OFFICER FONG: You do not -- you do not have to get  
 10 preapproval for overtime?  
 11 THE WITNESS: No, I do not.  
 12 HEARING OFFICER FONG: What happens?  
 13 THE WITNESS: If there is a -- the situation that they  
 14 would require maintenance to -- to continue working, then we  
 15 will -- we will stay to -- to finish it. But it's usually not  
 16 more than 15 minutes, a half hour, an hour sometimes.  
 17 Because -- because our shifts overlap each other, there's not  
 18 that much reason for overtime. But in some situations, it  
 19 will -- it will happen.  
 20 HEARING OFFICER FONG: Okay. And how do you backtrack --  
 21 how do you -- who do you report the overtime to? How do you do  
 22 it?  
 23 THE WITNESS: So everybody's, including all the -- all the  
 24 coworkers, have a -- a badge that they wear around their neck  
 25 that they -- they clock in to a clock with their badge, and

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1 then clock out with -- with the same badge that edits. It's a  
 2 time clock.  
 3 HEARING OFFICER FONG: I see. And the time clock applies  
 4 to everybody?  
 5 THE WITNESS: Yes.  
 6 HEARING OFFICER FONG: The maintenance, all -- and the  
 7 excluded unit classifications?  
 8 THE WITNESS: Yes.  
 9 HEARING OFFICER FONG: Same badge?  
 10 THE WITNESS: Same -- same badge.  
 11 HEARING OFFICER FONG: Does your badge specify your  
 12 department?  
 13 THE WITNESS: It -- it says your hire date. Department? I  
 14 do not think so. I --  
 15 HEARING OFFICER FONG: Do you happen to have it with you?  
 16 THE WITNESS: Yeah, yeah. Hold on.  
 17 HEARING OFFICER FONG: Why don't you look it up.  
 18 THE WITNESS: I do have my keys.  
 19 HEARING OFFICER FONG: Oh.  
 20 Let the record reflect the Petitioner is holding a stack of  
 21 keys in a circle key ring with about, what, 20 -- 15 to 20?  
 22 THE WITNESS: Yeah, I'd say probably.  
 23 HEARING OFFICER FONG: All right. Thank you.  
 24 THE WITNESS: And our badge, it does not say our  
 25 department. It just says our hire date and employee number and

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1 name.  
 2 HEARING OFFICER FONG: All right. Thank you for that.  
 3 Okay. What -- can you give me a quick example of the last  
 4 time you had to work overtime, for what issue, what happened?  
 5 THE WITNESS: There was an issue with one of the components  
 6 of a -- of a -- of the pallet system that -- the conveyer  
 7 system for the silos --  
 8 HEARING OFFICER FONG: Uh-huh.  
 9 MR. WEDEKING: -- it was down, and I stayed over because I  
 10 was already on it and it was almost done. And the shifts --  
 11 the second shift did not have the personnel to take over at  
 12 that time, and so I just finished -- finished fixing it,  
 13 basically.  
 14 HEARING OFFICER FONG: All right. Have you had any  
 15 discussion with any of the other excluded job classifications  
 16 where anybody on those have told you that they need approval  
 17 for overtime?  
 18 THE WITNESS: No.  
 19 HEARING OFFICER FONG: Have you had any discussions with  
 20 managers as to whether any of the other job classifications  
 21 need approval for overtime?  
 22 THE WITNESS: No. No. They did have a -- they did have a  
 23 sign at the overtime sign-up sheet. There's a sign-up sheet  
 24 operation pass for -- for overtime when it's available. And  
 25 there was a sign above that sign-up sheet that said that --

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1 that managers have to approve overtime.  
 2 HEARING OFFICER FONG: You still remember -- do you  
 3 remember reading that in that such language?  
 4 THE WITNESS: Yes. Yes, yes.  
 5 HEARING OFFICER FONG: When did this happen? When did you  
 6 see this --  
 7 THE WITNESS: So there wasn't -- I don't really pay  
 8 attention that much, but it wasn't -- it wasn't recently, by  
 9 any means.  
 10 HEARING OFFICER FONG: Six months, three months?  
 11 THE WITNESS: Yeah, I would say probably. Maybe even  
 12 longer. It might still be there, for all I know. I can't  
 13 really testify if it's still there or not.  
 14 HEARING OFFICER FONG: Where is it that you saw -- saw this  
 15 language again? Where was it?  
 16 THE WITNESS: It was right above the overtime sign-up sheet  
 17 for operations.  
 18 HEARING OFFICER FONG: And where was it located? Where was  
 19 that located at?  
 20 THE WITNESS: At the -- the hub. The -- the operations --  
 21 operational hub.  
 22 HEARING OFFICER FONG: And what building is that again?  
 23 THE WITNESS: The front one.  
 24 HEARING OFFICER FONG: Okay. For the entire facility  
 25 building, is there a point or access for everyone to walk in

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1 through, or one, two, more than one?  
 2 THE WITNESS: No, no. The safety -- the -- the --  
 3 everybody comes in through the same entrance.  
 4 HEARING OFFICER FONG: Including the maintenance employees?  
 5 Everybody?  
 6 THE WITNESS: Everybody, yes. It's a -- it's a safety  
 7 thing, yes.  
 8 HEARING OFFICER FONG: All right. Cafeteria. Maintenance  
 9 employees; normally, where do you guys take your lunch?  
 10 THE WITNESS: In the -- in the -- in the common break rooms  
 11 or you could -- you could take off to -- to leave the facility  
 12 to -- to have lunch. But --  
 13 HEARING OFFICER FONG: Okay.  
 14 THE WITNESS: -- all the employees share the common --  
 15 common area for lunch.  
 16 HEARING OFFICER FONG: Okay. So no particular, like,  
 17 lunch -- lunch break area for the maintenance employees?  
 18 THE WITNESS: No.  
 19 HEARING OFFICER FONG: All right.  
 20 THE WITNESS: If -- if I may, I just want to touch on it  
 21 real quick, some of the skills that -- that -- that a  
 22 maintenance technician might go through in a day. Like I said,  
 23 it's very -- if -- if you don't mind, it's very --  
 24 HEARING OFFICER FONG: No, no. Of course.  
 25 THE WITNESS: -- it's very -- there's a wide range that --

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1 you could be a plumber, you could be troubleshooting a light  
 2 fixture. So you've got to be a little bit of electrical savvy.  
 3 You could be -- you could be welding. You could be working on  
 4 a pneumatic system. We read schematics and blueprints.  
 5 Carpentry; sometimes we're -- we're erecting a podium or -- or  
 6 building something that -- that came by on a work order.  
 7 Schematics. Hydraulic systems. There's -- there's a --  
 8 there's hydraulic systems in the -- in the warehouse for -- for  
 9 various balers and -- and compactors.  
 10 So metal fabrication, we can't return wrenches to. We were  
 11 issued a tool bag with various amounts of tools from various  
 12 trades. Concrete repair. We do concrete work. Electrical,  
 13 like I said. Just a vast, vast array of -- of skills.  
 14 HEARING OFFICER FONG: Okay. Talk to me a little bit about  
 15 your interaction, if any, with like, you know, with an internal  
 16 hauler, that job classification. Do you have any interaction  
 17 through your workday with an internal hauler? And if so, how  
 18 would that play out?  
 19 THE WITNESS: The only interaction during the work times  
 20 would be if they had a -- a mechanical issue with their truck  
 21 or if they couldn't get their trailer door open, something like  
 22 that. And it would only be if the maintenance technician was  
 23 on the floor, because, like I said, that -- that would be the  
 24 floor guy's duty to go and -- and deal with that. Sometimes  
 25 they will just get on the radio and -- and call, and whoever's

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1 around will -- will show up. But the only time that we would  
 2 really interact with them would be if they had an issue that  
 3 they needed fixing with their truck.  
 4 HEARING OFFICER FONG: The same question with the recovery  
 5 coworker. What interaction, if any, would you have? And if  
 6 so, explain it.  
 7 THE WITNESS: The recovery coworkers, they run power  
 8 equipment, too. So if they had an issue with their power  
 9 equipment and they -- they -- they would just come up to -- if  
 10 they see a maintenance guy -- if somebody has an issue, they'll  
 11 come to the first maintenance guy they see, and bring it to  
 12 their attention. So that would be how. Or they also have  
 13 bicycles. The warehouse has a fleet of bicycles that -- that  
 14 they use for their computers and -- and stuff that -- recovery  
 15 coworkers also use computers and bikes. And if they had an  
 16 issue with that, they -- that would be another reason why they  
 17 would -- I would interact with them.  
 18 HEARING OFFICER FONG: Okay. What about the stock  
 19 controller?  
 20 THE WITNESS: Same thing. The bikes, if their piece of  
 21 equipment has issues. Like I said, they also have an office.  
 22 So if they had an issue with, like, their lights in the office  
 23 or something like that and there was somebody in there at the  
 24 time, that would be an interaction that we would -- we would  
 25 have with them.

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1 HEARING OFFICER FONG: Okay. Looking at Petitioner's --  
 2 looking at Petitioner's 3, you testified -- you testified that  
 3 this is a map of the IKEA, which you received on -- you grabbed  
 4 them from there -- from the IKEA server, correct?  
 5 THE WITNESS: Yes.  
 6 HEARING OFFICER FONG: At this point in time, I'm going to  
 7 go ahead and introduce -- I'm going to allow introduction of  
 8 Petitioner's 3 into the record.  
 9 MR. HART: Mr. Hearing Officer, we --  
 10 HEARING OFFICER FONG: Uh-huh?  
 11 MR. HART: -- actually, literally, like, a minute ago,  
 12 received a clean copy of the -- what is Petitioner's 3, an  
 13 official copy from IKEA that we can provide.  
 14 HEARING OFFICER FONG: Perfect timing. Can you -- can you  
 15 email that to all the parties?  
 16 MR. HART: Yeah. Let me get the --  
 17 HEARING OFFICER FONG: Take your time.  
 18 Why don't we take -- why don't we take a ten-minute break,  
 19 a ten-minute water break.  
 20 MR. HART: Okay.  
 21 HEARING OFFICER FONG: We've been on the record for two  
 22 hours.  
 23 MR. HART: Okay.  
 24 HEARING OFFICER FONG: And that will give you -- that will  
 25 give you time to --

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1 MR. HART: Okay.

2 HEARING OFFICER FONG: -- go through and download and email

3 and forward it to us.

4 And Petitioner, it's 3 -- 3:15. So come back at -- at

5 3:25. And then perhaps see if you can get that additional

6 chart. I think, actually, we might be able to finish today.

7 I'm inclined to introduce a clean copy -- I will introduce

8 the clean copy as Petitioner's 3. I think there's been enough

9 testimony as supplementing the chart from the Employer's

10 counsel as to where each team goes.

11 Do you intend -- do you still intend to -- do you still

12 want to introduce Petitioner's -- Petitioner's 2, Exhibit 2,

13 Mr. Petitioner?

14 MR. WEDEKING: Exhibit 2, the --

15 HEARING OFFICER FONG: That's the chart that you created.

16 MR. WEDEKING: If -- if -- I think it's really important

17 that it be shown where the vast majority of the additional

18 employees for the petitioned-for unit fall within each -- each

19 classifications. And if we could get that, I think that that's

20 something that --

21 HEARING OFFICER FONG: Yeah. I'm sorry. You deliver up to

22 mine. See if the Employer can -- see what you can get us to do

23 the charts. And we would have talked about that, if we were

24 able to get documents that show which job classification at

25 issue, it's under -- where the employees' names belong to under

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1 which supervisor. If the Petitioner is okay with that, we'll

2 introduce those. If we cannot get them, then based on the

3 testimony that the Petitioner has testified about in terms of

4 this particular document, I will introduce Petitioner's 2

5 absent, again, the best evidence such as provided by Employer's

6 counsel.

7 So do you guys -- do you want -- do you want 15 minutes to

8 do that?

9 MS. INESTA: Yeah. If we could get a little bit of time --

10 HEARING OFFICER FONG: Yeah.

11 MS. INESTA: -- on that to --

12 HEARING OFFICER FONG: So just know that if we don't get

13 the documents, I will allow introduction of Petitioner's 2, and

14 I'll make Board Exhibit -- the official chart, I'll make that

15 Board Exhibit 3.

16 And see if -- most likely, I will allow -- I mean, not most

17 likely. I will allow for the Petitioner's 4 subject to my

18 earlier qualifiers as to only allow -- I'll get him to testify

19 on that and ultimately will only allow for the substantive

20 parts of testimony. It may be only for the maintenance

21 technicians that you're going to talk about. Okay?

22 All right. So let's take a break. I will see you guys

23 back at 3:30.

24 MS. INESTA: Thank you.

25 HEARING OFFICER FONG: Thank you.

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1 (Off the record at 3:15 p.m.)

2 HEARING OFFICER FONG: Okay. We're back on the record.

3 There has been some -- there was considerable discussion

4 between the parties, including the Hearing Officer, in terms of

5 resolving some matters. But it related to some of the

6 Petitioner's exhibits. As a result of the discussions, the

7 Employer has provided documents that supplement part of my --

8 as is additional testimony that will provide corroboration to

9 some of the testimony. We are -- so we're looking at

10 documents. The Petitioner will take -- he's going to -- he's

11 going to have to review them before he makes a final decision,

12 as well as the Hearing Officer.

13 Based on that, we are going to adjourn momentarily and

14 continue with the Petitioner's case-in-chief tomorrow. At that

15 point in time, we'll reconsider -- we'll make some

16 considerations as to whether the Employer wishes to provide

17 additional voluntary testimony from management witnesses, and

18 we'll determine then where they are, we'll get an offer of

19 proof, and then we'll decide whether the Petitioner wants to

20 call them, or we'll decide the procedure for doing it tomorrow.

21 Okay?

22 Anything additional from Petitioner for today?

23 MR. WEDEKING: Not at this time, no.

24 HEARING OFFICER FONG: Anything additional from Employer's

25 counsel?

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1 MS. INESTA: Nothing here. Thank you.

2 MR. HART: No, sir.

3 HEARING OFFICER FONG: I want to thank again, everyone, for

4 today's work. There'll be a virtual soon. And we'll continue

5 this procedure tomorrow. Until then, everyone get some good

6 rest, and we'll -- you can sign on the same email. It will be

7 active for tomorrow. Okay?

8 MS. INESTA: Thank you very much.

9 HEARING OFFICER FONG: Okay. Thank you.

10 MS. INESTA: And thank you, Mr. Wedeking.

11 MR. WEDEKING: Thank you. Thank you.

12 HEARING OFFICER FONG: All right.

13 MS. INESTA: All right.

14 HEARING OFFICER FONG: Thank you, everyone.

15 Thank you, Madam Reporter. We'll see you tomorrow.

16 (Whereupon, the hearing in the above-entitled matter was

17 recessed at 4:19 p.m. until Thursday, October 15, 2020 at 10:10

18 a.m.)

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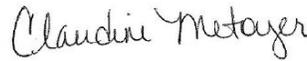
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C E R T I F I C A T I O N

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 14, 2020, at 9:09 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.

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15  
16 

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18 CLAUDINE METOYER

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23  
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25 Official Reporter