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Teamster Food Processors, Chauffeurs,
Warehousemen, and Helpers, Local Union No. 670

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
[PORTLAND DIVISION]

Case No. 3:21-cv-00268-SI

RONALD K. HOOKS, Regional Director
of the Nineteenth Region of the National
Labor Relations Board, for and on behalf
of the NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

v.

HOOD RIVER DISTILLERS, INC.,

Respondent.

DECLARATION OF NICK MALONE IN
SUPPORT OF *AMICUS CURIAE* TEAMSTER
LOCAL 670'S MEMORANDUM OF POINTS
AND AUTHORITIES

The undersigned, being first duly sworn, depose and say:

1. My name is Nick Malone and I reside in Cascade Locks, Oregon.
2. I am a member of Teamsters Local 670 and an employee of Hood River Distillers

in Hood River, Oregon.

3. I have worked at Hood River Distillers on and off for the last 10 years, since I was 16 years old. I am now 26 years old.

4. Prior to the beginning of this labor dispute, I worked as a line attendant and machine operator at the Hood River Distillers plant. My schedule was 7 AM- 3:30 PM, Monday through Friday, though sometimes I would be sent home early if there wasn't enough work to do that day. I would work on average 30 -35 hours per week.

5. On May 6, 2020, I stopped working and went out on an unfair labor practice strike along with the other members of Teamsters Local 670 at the plant. The unfair labor practice strike was in protest of Hood River Distillers' unlawful conduct, including unilaterally implementing their own terms and conditions of employment without the Union's agreement.

6. Effective September 1, 2020, I and the other strikers offered to return back to work without any conditions and ended our strike. We understood that as unfair labor practice strikers who were ending our strike, Hood River Distillers was required by law to reinstate us back to work, even if that meant getting rid of replacement workers they hired.

7. On September 1, 2020, Hood River Distillers refused to reinstate me and all the other returning strikers, claiming that we had been permanently replaced.

8. I have already suffered extreme hardship as a result of Hood River Distillers' refusal to reinstate me as required by law on September 1, 2020. I will suffer further irreparable harm if I am not reinstated to work soon and instead have to wait a year or more while the National Labor Relations Board General Counsel prosecutes Hood River Distillers for their illegal conduct and that case goes through any potential appeals to the National Labor Relations Board.

9. I am a Type-1 diabetic. When I went on strike, I lost my health insurance. I should have been reinstated back to work in September 2020 and gotten health insurance through the company. Instead, I was uninsured for months until recently qualifying for Oregon's Medicaid insurance. When I was covered by employer health care, I was able to control my diabetes through the use of 24-hour insulin shots that were covered by insurance. Without that insurance, I had resorted to purchasing generic 12-hour insulin, which are much cheaper but also less effective. My blood sugar levels are now more erratic and not well controlled. As a result, I have been losing circulation in my feet, which have been going numb. I have cuts on my hands that are months old and do not heal. My vision is getting blurry due to my diabetes. I worry that my health may suffer permanently because of my gaps in insurance and health care.

10. Without my prior income from working at Hood River Distillers, I have been forced to move in with my father because I cannot afford housing. I have gone into debt to keep my auto insurance active, and I have withdrawn my 401(k) to support myself. My 401(k) was about \$18,000, but after taxes I had only about \$13,700 left.

11. I have found only temporary work in the Columbia Gorge area, where rent and living costs are high. I worked for about two months at Full Sail Brewing in the fall of 2020, but that work was no longer available. I recently started an at-will job working the graveyard shift at a residential group home earning \$14.88 per hour, significantly less than what I earned previously at Hood River Distillers. I anticipate, however, that my new position will earn just enough to prevent me from keeping my Medicaid coverage, again leaving me without any health insurance.

12. I have applied for and been denied unemployment compensation.

13. I have received approximately \$210 a week in financial support from the Union since the beginning of the strike.

14. Even with the financial support from the Union and the work I have been able to find, I am spending all of my 401(k) and going further into debt.

15. I am gravely concerned about my health deteriorating if I cannot quickly get back onto our Union-sponsored health insurance whose coverage helped me control my diabetes. I am also very concerned that I will not have enough money to support myself and will go further into debt if I cannot go back to my old job at Hood River Distillers very soon.

16. I hereby declare that the above statement is true to the best of my knowledge and belief and that I understand it is made for use in a court proceeding and subject to penalty for perjury.

DATED this 12 day of March, 2021.



Nick Malone