

INFORMATION REQUEST ON CODE OF CONDUCT AND NON-PUBLIC INFORMATION

Dear Employer:

Your Code of Conduct requires employees to report “suspected and actual violations of this Code, company policy and the law.” The Union is concerned that this language is overbroad and employees are not capable of understanding exactly what you mean. The Union respects the right of the employer to enforce reasonable provisions of the Code or other company policies or the law that are necessary and are justified. On the other hand, overbroad rules can interfere with the rights of employees and with the collective bargaining agreement and collective bargaining.

In order to understand and determine how this language has been applied, we need the following information.

We need this information for the period of five (5) years immediately preceding this letter to date. We need that extensive time period in order to ensure that we have included enough time to include all varieties of information that would help us understand how this language has been applied, interpreted and how it works. We also understand that the Union only represents a portion of the employees who are governed by this language. We think it’s relevant, however, to provide this information for all employees since we believe these rules are uniformly applied or at least the employer takes the position that they are uniformly applied to all employees.

1. Please provide a copy of all investigative reports regarding questionable or unethical behavior as defined in Speak Up. We don’t need the names of the employees involved, and you may redact any identifying information. We do, however, request the reports and any documents that show the results of those investigations. Please provide a separate identifier as to each incident so we can request more detail if we need it.
2. To the extent conduct came to the attention of the employer that was not investigated, provide the same information, explaining what the conduct was and why it was not investigated.
3. The company includes in this provision “conduct [that can] be viewed as dishonest, unethical or unlawful.” For the same time period, provide a complete description of all conduct that has come to the attention of the employer that the employer has determined to be dishonest. Provide the date, location, a personal identifier, and the results of any investigation, including any discipline.
4. The company includes in this provision “conduct [that can] be viewed as dishonest, unethical or unlawful.” For the same time period, provide a complete description of all conduct that has come to the attention of the employer that the employer has determined to be unethical. Provide the date, location, a personal identifier, and the results of any investigation, including any discipline.
5. The company includes in this provision “conduct [that can] be viewed as dishonest, unethical or unlawful.” For the same time period, provide a complete description of all

conduct that has come to the attention of the employer that the employer has determined to be unlawful. Provide the date, location, a personal identifier, and the results of any investigation including any discipline

6. The employer takes the position that conduct that “could hurt” the company is subject to the rule. Please provide a complete listing of all conduct engaged in by employees that has hurt or could hurt the employer, which would be encompassed by the rule. Provide the date of the conduct, the nature of the conduct, the manner in which it hurt the employer, and whether action was taken against the employee.
7. The rule also prohibits conduct that could “hurt other people, such as other employees, investors or customers.” Once again, provide the same information for all such conduct that has come to the attention of the employer.

Non-Public Company Information

The company’s rules repeatedly refer to “non-public company information.” [or confidential or propriety] In the Union’s view, this language is very vague and unclear.

1. Please provide a complete list of all company information that falls within this category. Because you may take the position that some of this is proprietary, please provide a log that shows the general description of the information, how it is kept confidential, the date the information was developed, a description of the employees within the company who have access to the information, and a statement of how the employer ensures the confidentiality of that information.
2. For all “company confidential information” that has been disclosed in violation of the company policy for the last five years, provide the nature of the information, the nature of the disclosure and the action taken by the employer.
3. Please provide a complete list of all company information that you do not believe is non-confidential.
4. Please provide a copy of all internal memoranda, policies or documents that describe any company policy for determining when company information is “non-public company information.”
5. Please provide a copy of any computer software or other electronic applications that are used by the company to monitor “non-public company information.”
6. Please provide any protocols used by the company to identify and protect “non-public company information.”

The Union would like to bargain over this issue. We think it is necessary that the company identify all the information covered by this rule so that the employees can be clearly advised as to their responsibilities. This may mean identifying each kind of information and identifying it

as “non-public company information” so that employees are clearly aware of what information they can or can’t disclose.

This is particularly important during the course of a bargaining relationship. Much information that is non-public needs to be disclosed to the Union for purposes of bargaining with respect to various issues affecting wages, hours and working conditions. Many of these issues may include bargaining over business decisions, both with respect to the decision and the effects on the employees. We recognize that some of these business decisions are not disclosed publicly, but nonetheless, the employees have a right to both disclose this information among themselves, as well as to the Union for bargaining purposes.

We look forward to working with the employer on these issues.