

**BEFORE THE STATE BOARD OF MEDIATION  
STATE OF MISSOURI**

INTERNATIONAL ASSOCIATION OF	)	
FIRE FIGHTERS,	)	
	)	
Petitioner,	)	
	)	
v.	)	Public Case No. R 98-004
	)	
CITY OF GLADSTONE,	)	
	)	
Respondent.	)	

**JURISDICTIONAL STATEMENT**

The State Board of Mediation is authorized to hear and decide issues concerning appropriate bargaining units by virtue of Section 105.525 RSMo. 1994. This matter arises from the election petition of International Association of Firefighters (hereinafter referred to as the Union) to represent certain employees of the City of Gladstone (hereinafter referred to as the City). The Union seeks to represent a bargaining unit of all firefighters, paramedics and PSOs assigned to the City's Public Safety fire/ems division, up to and including sergeants. A hearing on the matter was held on Oct. 15, 1997 in Kansas City, Missouri, at which representatives of the Union and the City were present. The case was heard by State Board of Mediation Chairman Francis Brady, Employee Member Patrick Hickey, and Employer Member Linda Cooper. At the hearing the parties were given full opportunity to present evidence and make their arguments. Afterwards, the parties filed briefs. The case transcript and briefs were subsequently supplied to Acting Chairman Ronald Miller who participated in the Board's decision. After a careful review of the evidence and arguments of the parties, the Board sets for the following Findings of Fact, Conclusions of Law, Order, and Direction of Election.

## **FINDINGS OF FACT**

The City of Gladstone has combined its police, fire and emergency medical services into a combined Public Safety Department. The department is divided into three separate divisions: law enforcement, fire/emergency medical services (ems) and support services (dispatchers and animal control). The employees in the law enforcement and fire/ems divisions have been cross trained so they can respond to a variety of emergency situations. Overall, there are about 70 employees in the department. Just one of the three divisions is involved in this case, namely the fire/ems division.

All of the employees in the fire/ems division are trained in fire fighting and emergency medical procedures. They perform the range of emergency and non-emergency work which is related to the delivery of fire and emergency medical services. Specifically, they respond to fire alarms, accident scenes and medical emergencies.

The department organizational structure relevant here is as follows. The department is headed by the director of public safety, who reports directly to the city manager. Below the director is a fire division captain. Underneath the captain are three sergeants. Underneath them are four corporals. Underneath them are 14 paramedics, firefighters, and public safety officers (PSOs). Overall, there are 22 individuals in the fire/ems division.

The 21 employees in the fire/ems division below the rank of captain are assigned to three different crews: the A shift crew, the B shift crew and the C shift crew. Each of these three crews consists of seven employees. Both the A shift and the B shift have one sergeant, one corporal, four firefighter/paramedics and one public safety officer. The C shift crew has one sergeant, two corporals and four firefighter/paramedics. The employees on these crews eat, sleep, live and work together for their entire shift.

The City uses a scheduling system of rotating shifts in the fire/ems division. All the employees on the three crews just referenced work 24 hours on duty, followed by 48 hours off

duty, for an average of 56 hours per week. Traditionally, this scheduling is utilized to allow employees to eat and sleep while waiting for calls, and to train and maintain equipment.

The crew members just referenced work at the City's two stations. Station No. 2 houses a fire fighting unit and an ambulance while Station No. 1 houses a single fire fighting unit. As previously noted, there are seven persons on duty (including the sergeant) on each shift if all crew members are present. The department's minimum staffing level per shift is five employees (including the sergeant). When just five employees are present, two are assigned to the fire apparatus at Station No. 2, two are assigned to the ambulance at Station No. 2 and one is assigned to the fire apparatus at Station No. 1.

The sergeant is the ranking officer present when the captain and department director are off duty. Since the captain and the department director usually work eight hours a day, five days a week, this means that the sergeant is in charge after 5 pm on weekdays and all day and night on weekends (i.e. 128 hours out of the 168 hours in a week). During that time they function as the shift commander and are in charge. However, if any of the following events occur while the sergeant is in charge, the sergeant immediately contacts the division captain and advises him of same: a major structural fire, a vehicular accident, any damage to a department vehicle or city property, an injury to an employee, a personnel matter, or a call to another fire department for mutual aid. On those occasions after 5 pm and on weekends when no sergeant is on duty, the ranking shift employee is a corporal. When this happens, the corporal performs the duties that would otherwise be performed by the sergeant. The sergeants oversee the employees on their crew. They assign them work and ensure they perform it correctly. They also ensure that employees follow the department's rules and regulations. The sergeants are responsible for maintaining the department's minimum staffing

level. If a worker is needed to maintain the minimum staffing level, the sergeant calls in an employee to work overtime.

The work done on each shift can be broken down into three main categories: routine stations duties, non-emergency activities and emergency response duties. Each of these categories will be addressed in the order just listed. Routine station duties include equipment maintenance, preparing meals, and general cleaning (i.e. mopping the floors, cleaning the bathroom, etc). The sergeants perform these daily tasks along with the other members of the crew. The division's captain does not perform any of these routine duties. Non-emergency duties include such things as building inspections, fire hydrant flow tests, hose tests, and training. The sergeants participate in all these tasks along with the other members of the crew. The division's captain does not participate in any of these non-emergency duties. Emergency response duties include fire calls and emergency medical situations. The sergeants respond to these calls along with the other crew members. When a sergeant responds to a fire call, he may either drive the fire apparatus or ride along. When a sergeant responds to an emergency medical call, he may either drive the ambulance or ride along as the attending medic. Once on the scene, the sergeant will help fight the fire or assist in giving direct patient care. When a captain responds to a call he does so in a city vehicle, not on a fire apparatus or ambulance. If the captain responds to a call, he is the incident commander. In the captain's absence, the sergeant is the incident commander. In the absence of a captain and a sergeant, a corporal is the incident commander.

The sergeants meet with the division's captain once a month for the purpose of addressing work related topics and procedures. The corporals sometimes attend these meetings.

Sergeants are not empowered to promote or transfer anyone or lay anyone off and have not done so. Additionally, the record does not indicate that a sergeant has ever recommended any of these actions.

With regard to hirings, the record indicates that when job applicants are to be interviewed, the department convenes an interview board. All the ranks (including sergeants) have been represented on these interview boards. As the name indicates, the interview board collectively interviews the applicants. Afterwards, it makes a recommendation concerning which applicant should be hired. The record does not indicate how the interview board makes this decision. The department director then decides who to hire. In doing so, the department director does not have to accept the interview board's recommendation. However, insofar as the record shows, the department director usually does.

With regard to discipline, sergeants are not empowered to suspend or discharge employees on their own volition and have not done so. The responsibility for same is with the department director. Two sergeants once recommended an employee's discharge. In that instance, both sergeants recommended that a probationary employee be fired. The employee in question was ultimately discharged. However, the decision to discharge the employee was made by the department director, not the sergeants. Insofar as the record shows, no sergeant has ever issued a written warning to an employee. The sergeants traditionally play the following role in the disciplinary process. If a sergeant believes that an employee's conduct is inappropriate, they report the matter to the division's captain. Any discipline which is ultimately imposed on the employee would not come from the sergeant, but further up the chain of command. On some occasions, the department convenes a disciplinary board. Like the interview boards, all the ranks (including sergeants) have been represented on these disciplinary boards. When they are used, the disciplinary board makes a recommendation to

the department director. He (the department director) then makes the final decision concerning the discipline imposed.

The sergeants annually evaluate the employees assigned to their crew. To assist them in performing this task, the sergeants are encouraged to maintain a “coaching file” which consists of the sergeant’s records concerning the performance and conduct of their crew members. The sergeants refer to this information when they do the annual written evaluations. The evaluation process works as follows. The sergeant completes a preprinted evaluation form. This form identifies the achievement factors on which the employee is to be evaluated and ascribes the weight each factor is to be given in relation to the overall evaluation. For example, the achievement factor rating an employee’s customer service activities is weighted at 10%, the achievement factor rating an employee’s understanding and adherence to departmental policies and procedures is weighted at 20%, and so forth. The total weight of these factors adds up to 100%. An employee can be rated from one (the lowest rating) to five (the highest rating) on any achievement factor. When the evaluator (i.e. the sergeant) selects a rating, they do not apply their subjective judgment. Instead, the evaluation form sets forth named objective criteria for each rating. The evaluator has to follow these criteria. For example, under the customer service achievement factor, the criteria provides: an employee who has more than five substantiated complaints regarding internal/external interactions is to be rated a one; an employee who has no more than four substantiated complaints regarding internal/external interactions is to be rated a two; an employee who has no more than three unsubstantiated complaints regarding internal/external interactions is to be rated a three, etc. Each achievement factor has these same type of objective criteria which determine the rating an employee is assigned. After the sergeants fill out the evaluation form, it is forwarded to the City’s Personnel Department. There, the numerical ratings are put into a computer program

which renders an overall achievement rating for the employee and the range of the salary increase the employee can receive. This information is then returned to the sergeant on an Employee Action Transmittal Form, and the sergeant is asked to recommend what the employee's salary increase should be within the confines of an established range. For example, the Employee Action Transmittal Form identified as Respondent Exhibit 3 indicates that the employee was eligible for a salary increase between 6.75% and 7.25%. In every instance where this has happened, the range in which the sergeant was allowed to make a discretionary recommendation was half of one percent (1/2 %). The sergeant's recommendation then goes to the director, who makes the final decision concerning the employee's salary increase.

Fire/ems employees are paid pursuant to the City's pay plan. Under this system, each classification is assigned to a pay grade. All the grades have a minimum and maximum rate. The record does not indicate how employees normally advance or move within the range (for example, if there are automatic step increases each year based on length of service). Employees are paid pursuant to their classification. The PSO and firefighter/paramedic positions are assigned to grade 28 where the minimum yearly salary is \$27,815 and the maximum yearly salary is \$40,331. The position of corporal is assigned to grade 33 where the minimum yearly salary is \$31,470 and the maximum yearly salary is \$45,631. The position of sergeant is assigned to grade 38 where the minimum yearly salary is \$35,605 and the maximum yearly salary is \$51,627. The position of captain is assigned to grade 45 where the minimum yearly salary is \$42,323 and the maximum yearly salary is \$61,369. The record does not contain the actual salaries paid to all fire/ems division employees. Since the maximum for ranges 28 and 33 are higher than the minimum for range 38, a senior PSO, firefighter/paramedic, or corporal can be paid more than a new sergeant.

## CONCLUSIONS OF LAW

International Association of Firefighters petitioned to be certified as the exclusive bargaining representative for a unit of all firefighters, paramedics and PSOs assigned to the City's Public Safety fire/ems division, up to and including sergeants. There are 21 employees in the proposed unit.

The Missouri Public Sector Labor Law gives certain employees the right to form and join labor organizations and to present proposals to their employers relative to conditions of employment. Section 105.500 (1) of that law defines an "appropriate unit" as:

A unit of employees at any plant or installation or in a craft or in a function of a public body which establishes a clear and identifiable community of interest among the employees concerned.

This is not the first time this Board has made a unit determination decision involving the City of Gladstone's Public Safety Department. In a prior decision<sup>1</sup>, the Board found that the public safety personnel assigned to the City's Public Safety law enforcement division were statutorily excluded from any potential bargaining unit because they performed primarily law enforcement functions. The Board further found that all public safety personnel assigned to the City's Public Safety fire/ems division comprised an appropriate bargaining unit. The Board provisionally approved the inclusion of sergeants in that unit and allowed them to vote in the election by challenge ballot, noting that the record evidence was insufficient to make a dispositive determination regarding their permanent inclusion. The Board indicated it would address the matter of their supervisory status at a later date. The Board's records indicate the Union lost the subsequent election. As a result, the Board has had no occasion to revisit the matter until now.

Given the existence of that decision, there is no dispute herein concerning the appropriateness of the Union's proposed bargaining unit (i.e. all firefighters, paramedics and

PSOs assigned to the City's Public Safety fire/ems division. The only question raised by the City with the composition of the Union's proposed unit concerns the inclusion of the sergeants in that unit. The City asserts the sergeants are supervisors and wants them excluded from the bargaining unit whereas the Union seeks their inclusion in same. As a practical matter, the question of whether the sergeants should be included in the unit is subsumed into the question of their possible supervisory status. That being so, our decision herein concerning whether the sergeants are supervisors will determine whether they are included in or excluded from the bargaining unit. With this caveat, we hold that in the context of this case, a unit of all firefighters, paramedics and PSOs assigned to the City's Public Safety fire/ems division is an appropriate bargaining unit within the meaning of the Missouri Public Sector Labor Law.

Although supervisors are not specifically excluded from this law's coverage, case law from this Board and the courts have carved out such an exclusion. See generally Golden Valley Memorial Hospital v. Missouri State Board of Mediation, 559 S.W.2d (Mo.App. 1977) and St. Louis Fire Fighters Association, Local 73 v. City of St. Louis, Case No. 76-013 (SBM 1976). The rationale for the exclusion is that supervisors do not have a community of interest with, and therefore are not appropriately included in a bargaining unit comprised of, the employees they supervise. This exclusion means that supervisors cannot be included in the same bargaining unit as the employees they supervise. In this case, a dispute exists as to whether the sergeants are supervisors, so it is necessary for us to determine if they are.

The threshold question is what legal standard will be used to make this call. This Board has traditionally used the following indicia to determine supervisory status:

- (1) The authority to effectively recommend the hiring, promotion, transfer, discipline or discharge of employees;
- (2) The authority to direct and assign the work force, including a consideration of the amount of independent judgment and discretion exercised in such matters;

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<sup>1</sup> City of Gladstone, Case No. R 89-023 (SBM, 1990).

- (3) The number of employees supervised and the number of other persons exercising greater, similar and lesser authority over the same employees;
- (4) The level of pay, including an evaluation of whether the person is paid for his or her skills or for his or her supervision of employees;
- (5) Whether the person is primarily supervising an activity or primarily supervising employees; and
- (6) Whether the person is a working supervisor or whether he or she spends a substantial majority of his or her time supervising employees.<sup>2</sup>

In the 22 years that the Board has been applying these indicia to the facts on a case-by-case basis<sup>3</sup>, we have never held that someone is a supervisor if they meet just one of the enumerated criteria. Instead, we have held that more than one criteria needs to be met (although we have never specified an exact number). The pertinent boiler plate language which appears in our more recent supervisory decisions is this:

Not all of the above factors need to be present for a position to be found supervisory. Moreover, no one factor is determinative. Instead, the inquiry in each case is whether these factors are present in sufficient combination and degree to warrant the conclusion that the position is supervisory.<sup>4</sup>

It is against this backdrop that the City invites us to apply a different legal standard to determine supervisory status than the one just identified. Specifically, the City asks us to apply the standard used to determine supervisory status under the National Labor Relations Act (NLRA), as amended.

Our analysis of this contention begins with a review of the historical context. The original NLRA did not exclude supervisory employees from its coverage. This meant that the law extended to supervisory employees. In Packard Motor Car Company v. NLRB, 330 U.W. 485 (1947), the U.S. Supreme Court held that if supervisors were to be excluded from the

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<sup>2</sup> See, for example, City of St. Louis Building Division, Case No. R 96-001 (SBM 1996).

<sup>3</sup> The first case where these indicia were cited (albeit worded differently) was Jackson County (Department of Corrections), Case No. 90 (SBM 1976).

<sup>4</sup> Callaway County Ambulance District, Case No. R 96-032 (SBM1996).

coverage of the Act, it was the job of Congress to so provide, through specific statutory language. When the Taft-Hartley amendments were added to the NLRA, supervisors were specifically excluded from its coverage. This was accomplished by adding an express exclusion from the definition of “employee” for “any individual employed as a supervisor”. (See Sec. 2(3) of the NLRA, as amended). Sec.2(11) of that law defined the term “supervisor” as follows:

The term “supervisor” means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

In interpreting this statutory definition, the National Labor Relations Board (NLRB) has often held that an employee is a supervisor if he/she meets any one of the enumerated functions listed in the statute.

The practical difference between these standards is this: it is easier to find someone a supervisor under the NLRB’s standard than under this Board’s existing standard.

We see no reason to change our existing standard for determining supervisory status to the standard used by the NLRB. Here is why. As noted above, the NLRB’s standard is derived from the statutory definition of the term “supervisor” which is contained in the NLRA, as amended. That definition though is not contained in the Missouri statute which we administer. That being so, there is nothing in our statute which requires us to apply the same standard as the NLRB. We therefore take this opportunity to announce that we will continue to apply the same standard for determining supervisory status as we have applied for the last 20 years. In our view, our existing standard for determining supervisory status is known and accepted in Missouri public sector labor relations circles. Were we to now change it to the NLRB’s

standard, we are convinced this would result in years of new legal challenges to the supervisory decisions which this Board has rendered over the last several decades.

Having so found, our focus turns back to the six previously referenced indicia of supervisory status. After applying them here, we conclude that the sergeants are not supervisors. Our analysis follows.

Attention is focused initially on factor (1). Insofar as the record shows, none of the sergeants have ever promoted or transferred anyone or laid anyone off. With regard to promotions, it can be inferred from the record that the only promotional opportunities available in the department are promotions in rank from firefighter/paramedic to corporal, corporal to sergeant, etc. Those promotion decisions would not be made by the sergeants, but rather further up the department's chain of command. With regard to transfers, it can also be inferred from the record that the only transfers available in the department are transfers from one division to another or one shift to another. Those decisions would likewise not be made by the sergeants, but rather further up the department's chain of command. Finally, with regard to layoffs, the record does not contain any examples of same. The inference which we draw from this is that sergeants do not have the authority to lay off employees.

That said, the sergeants exercise some responsibilities in three of the areas listed or inferred in factor (1), namely hiring, discipline, and evaluations. An analysis of their role in those areas follows.

With regard to hiring, the sergeants do not hire on their own volition. The department director decides who to hire. However, the sergeants have served on interview boards which made hiring recommendations to the department director. This happens as follows. When job applicants are to be interviewed, the department convenes an interview board. All the ranks (including sergeants) have served on these interview boards. These interview boards interview

the applicants and make an unbinding collective recommendation to the department director concerning which applicant should be hired. Since the sergeants have served on interview boards which ultimately recommended a finalist, it is apparent that they (i.e. the sergeants) have played a role in past hirings. Their role though is merely advisory. Additionally, employees lower in rank than the sergeants play the same (advisory) role.

With respect to discipline, the sergeants cannot suspend or discharge employees on their own volition and have not done so. The department director is responsible for same. On one occasion, two sergeants recommended that a probationary employee be fired. While that is ultimately what happened, it was the department director who made that decision. The sergeants sometime serve on disciplinary boards which are convened by the department. When this happens, the disciplinary board makes an unbinding collective recommendation to the department director. The foregoing convinces us that the sergeants play a role in disciplining employees. Their role though is very minor because they cannot impose any discipline of any consequence on their own. Their main role in the disciplinary process is simply to report inappropriate conduct to the division's captain. If discipline is ultimately imposed on the employee, it would not come from a sergeant but further up the department's chain of command. While sergeants sometimes make recommendations concerning discipline, the department director is not obligated to accept their recommendations.

With respect to evaluations, the sergeants annually evaluate the personnel on their crew. To help them perform this task, the sergeants maintain a "coaching file" on the conduct and performance of their crew members. The sergeants complete a preprinted evaluation form which identifies certain achievement factors on which the employee is to be evaluated. When the sergeant selects a numerical rating for each category, they do not apply their subjective judgment. Instead, the evaluation form sets forth criteria which determine the rating an

employee is assigned. The sergeant has to follow these objective criteria in assigning a numerical rating. After the evaluation form is filled out by the sergeant, it goes to the City's Personnel Department. The ratings on the form are fed into a computer program which renders an overall achievement rating for the employee and the range of the salary increase the employee can receive. The sergeant is then asked to recommend what the employee's salary increase should be within the confines of an established range. Insofar as the record shows, the range wherein sergeants can make their recommendation is half of one percent (1/2 %). The department director then reviews this recommendation and decides what the employee's salary increase will be. The foregoing establishes that the evaluations which the sergeants complete affect the employee's ultimate salary increase. The ability to determine salary increases is certainly an indicia of supervisory status. Here, though, the sergeant's discretion to determine salary increases is not open ended; rather it is extremely limited. Specifically, it is limited to just half of one percent (1/2 %).

The focus now turns to factor (2), the authority to direct and assign the workforce. For about two thirds of each week (namely after 5 pm on weekdays and all day and night on weekends), sergeants are the highest ranking personnel on duty. During that time they function as the shift commander which means they are in charge. However, if something major happens while a sergeant is in charge, the sergeant is expected to contact the captain and advise him of same. The sergeants oversee the employees on their crew. They assign them work and ensure they perform it correctly. The sergeants also ensure that their crew members comply with the department's rules and regulations when performing their emergency and non-emergency work duties. They also ensure that the department's minimum staffing level is maintained. If another worker is needed to maintain the minimum staffing level, the sergeant

calls in an off duty employee to work overtime. The foregoing persuades us that overall, sergeants have a limited role in directing and assigning the work force.

Next, with respect to factor (3), it is noted that each sergeant oversees a total of four to six employees. After 5 pm, one of these employees works at Station No. 1, while the others work at Station No. 2. The sergeant oversees the employees at both stations, although it is unclear from the record how someone at one station can simultaneously oversee someone at another station. In any event, there is nothing about the size of the combined group (i.e. four to six employees) that raise “red flags” concerning the number of employees overseen by the sergeants.

Next, with respect to the level of pay (factor 4), the record evidence shows that sergeants are assigned to pay grade 38. Since the corporals, firefighter/paramedics and PSOs are assigned to lower pay grades (namely 33 and 28), the sergeants should theoretically always be paid more than the employees on their crew. However, due to the way the City’s pay plan is structured with ranges that overlap, a corporal, firefighters/paramedic, or PSO who is close to the top of their pay grade can be paid more than a junior sergeant.

Finally, with respect to the last two factors, it is again noted that sergeants oversee four to six employees on their shift and monitor their work performance. Additionally, sergeants are the ranking officer after 5 pm on weekdays and all of the weekends. During that time they function as the shift commander and are in charge. That said though, the sergeants do the very same work as their crew members do. Specifically, they do the same routine station duties, non-emergency duties, and emergency response duties alongside the members of their crew. That being so, we are persuaded that the sergeants are essentially lead workers who oversee the work activity performed in the fire/ems division.

To summarize then, the record indicates that sergeants perform, incidentally to their emergency and non-emergency response work, a number of supervisory functions. Specifically, they oversee four to six employees on their crew and monitor their work performance; in the captain's absence they are the incident commander at fire and ems scenes; they are the ranking officer after 5 pm on weekdays and all of the weekends; that during the time they are the shift commander they are in charge; they can recommend discipline (including discharge); they sometimes participate on interview boards which make hiring recommendations to the department director; and they annually evaluate the employees on their crew. As part of the evaluation process, sergeants make salary recommendations of half of one percent (1/2/ %). However, notwithstanding the foregoing, the supervisory functions just listed are not enough to qualify them as supervisors. Overall, the sergeants do not exercise sufficient supervisory authority in such combination and degree to make them supervisors. We therefore conclude that in this specific case, the sergeants are not supervisors.

### **ORDER**

The State Board of Mediation finds that the three sergeants at issue here are not supervisory employees. They are therefore included in the fire/ems division bargaining unit. The formal description of that unit is as follows:

All firefighters, paramedics and PSOs assigned to the City's Public Safety fire/ems division, up to and including sergeants.

An election is ordered therein.

### **DIRECTION OF ELECTION**

An election by secret ballot shall be conducted by the Chairman of the State Board of Mediation, or its designated representative, among the employees in the aforementioned

bargaining unit, as early as possible, but no later than 45 days from the date below. The exact time and place will be set forth in the notice of election to be issued subsequently, subject to the Board's rules and regulations. The employees eligible to vote are those in the unit who were employed during the payroll period immediately preceding the date below, including employees who did not work during the period because of vacation or illness. Those employees ineligible to vote are those who quit or were discharged since the designated payroll period and who have not been rehired or reinstated before the election. Those eligible to vote shall vote whether or not they desire to have International Association of Firefighters as their exclusive bargaining representative.

The City shall submit to the Chairman of the State Board of Mediation, as well as to the Union, within fourteen calendar days from the date of this decision, an alphabetical list of names and addresses of employees in the aforementioned bargaining unit who were employed during the payroll period immediately preceding the date of this decision.

Signed this 11th day of February, 1998.

STATE BOARD OF MEDIATION

/s/ Ronald Miller  
Ronald Miller, Acting Chairman

(SEAL)

/s/ Patrick Hickey  
Patrick Hickey, Employee Member

/s/ Linda Cooper  
Linda Cooper, Employer Member