

TA 5-27-09

(P)

Laboratory Side Letter of Agreement - Modify
05/27/09

SIDE LETTER FOR THE NEW STRUCTURE IN THE LCR LABORATORY

I. PAY

- A. All numbered hourly positions will be under the classification of the Laboratory Quality Tester.
- B. Trainees will be paid the Laboratory Quality Tester rate of pay when they work the job, not their classification rate.

II. SPECIAL DAYLIGHT TESTER POSITION LANGUAGE

- A. The 12-hour daylight positions for the Lab Quality Tester will follow the same work schedules as our current rotating 12-hour shift, with the exception of no night shift being worked. Instead of reporting to nights, the employees will return to daylight. The current 12-hour shift language shall apply for these positions. One employee will follow the "A/B" shift schedules and the other employee will follow the "C/D" shift schedules.
- B. The 8-hour daylight shift will be from 7:30 AM till 3:30 PM Monday through Friday. The requirements as currently stated in the 8-hour contract language for operators shall apply.
- C. The three (3) daylight jobs in order of the qualification level are: entry level GC Lab (GCQT), Analytical Lab (ANQT), Knock Engine Lab (KEQT). They will be referred to as Group III.

Group III will consist of:

A/B SHIFT

A) Knock Engine Quality Tester (KEQT) - 12hour

B) Analytical Quality Tester (QNQT) - 12hour

C/D SHIFT

A) Knock Engine Quality Tester (KEQT) - 12hour

B) Analytical Quality Tester (ANQT) - 12hour

GC) GC Lab Tester (GCQT) - 8hour

- D. All daylight Testers will be trained on each of the (3) daylight jobs and rotate jobs as necessary to retain qualifications. Daylight Testers and qualified trainees will be responsible for covering all GROUP III vacancies.

III. LABORATORY DAYLIGHT TESTERS ORDER OF ELIGIBILITY (AFTER 18 MONTH GRACE PERIOD)

- A. Overtime procedure for daylight positions will be as follows:

- a. If the supervisor determines that move-up on shift is not desirable because of lack of trained personnel, the vacancy may be filled by overtime.
- b. It is the intent of the following overtime procedure to fairly distribute available overtime without unduly adding to the administrative burden of supervision. Supervisory approval of shift and overtime trades constitutes approval only that employees involved are qualified to perform the work, and that shifts are adequately staffed.
- c. The Order of Eligibility for Daylight Testers only will be used to fill pre-schedule vacancies (vacancies which arise before the schedule goes into effect at 6:00PM Sunday). Post schedule vacancies (vacancies which arise after the schedule is in effect at 6:00PM Sunday) will be filled using the volunteer list. The Order of Eligibility for Daylight Testers only will be used to fill overtime giveaways. On overtime giveaways you must talk to the person in each step of the Order of Eligibility for Daylight Testers before going on to the next step. If you cannot get this person prior to the prescribed call out times for the shift you are trying to give away, you will have to make the final attempt after the 5:00 AM/PM call out time. If you do not get them then you may proceed to the next person in the call out order.
- d. The Lab Quality Tester with the first opportunity for the overtime has the responsibility for coverage.
- e. If a job vacancy is to be filled with overtime, the Order of Eligibility for Daylight Testers will be followed to determine the first opportunity among the "standby" employees whether the procedure is mandatory or voluntary.
- f. For overtime determined to be less than 4 hours, the Lab Quality Tester may be held over or called out early.
- g. For overtime determined to be 4 hours or more, the Order of Eligibility for Daylight Testers will be used.
- h. **Order of Eligibility for Daylight Tester:**
 1. Tester who worked the job on the last scheduled day in the First Call group. Except every 3rd weekend of each rotation cycle the 8-hour CG Lab Tester will be the first called and first scheduled for all daylight tester vacancies.
 2. Qualified Tester within classification in the First Call group in seniority order beginning with the most senior.

Employees moving from Trainee to a Lab Quality Tester on a permanent basis will continue to be responsible for overtime coverage on the GC Lab Tester position for six (6) months or until qualified on the Light Oils Table, whichever comes first.
 3. Trainee qualified for the vacancy, assigned to a shift in seniority order.

4. Trainee qualified for the vacancy, not assigned to a shift in seniority order.
 5. Trainee qualified below the vacancy, assigned to a shift in seniority order.
 6. Trainee qualified below the vacancy, not assigned to a shift in seniority order
 7. Last choice is to use other qualified Testers not on the schedule.
- B. For the Daylight Testers there will be a Voluntary Callout Sheet. Employees will not be able to volunteer for a vacancy which would result in the employee working more than thirteen (13) consecutive days. The vacancy will pass to the next person in the order of eligibility in such cases.
- C. A minimum of one (1) Daylight Tester on the Voluntary Callout Sheet is required to relieve other Daylight Testers of callout responsibilities.
- D. If there are two vacancies simultaneously, one within the daylight job and one within the 12-hour rotating shift job and only one Trainee is available then the Trainee will be used within the daylight job. The intent here is that there will generally be more Testers available for coverage on the 12-hour rotating shift side.

IV. MOVE-UP LANGUAGE FOR SPECIAL DAYLIGHT TESTER POSITIONS

- A. Trainees will be trained on the GC Lab Tester position. When available, a trainee will cover the GC Lab Tester position and the GC Lab Tester will move up to where the vacancy occurred in GROUP III.
- B. If a 60 Day vacancy occurs in the Daylight Tester position, the senior trainee available to move-up will be assigned to the GC Lab and the GC Lab Tester will move to where the vacancy occurred in GROUP III.

V. SPECIAL SHIFT LANGUAGE FOR ROTATING 12-HOUR SHIFTS

- A. The Rotating 12-hour Shift Testers shall consist of two (2) groups:
- | | | |
|-----------|-----------------|--------------------------------|
| GROUP I: | Qualification A | Finished Products Table (FPQT) |
| | Qualification B | Light Oils Table (LOQT) |
| GROUP II: | Qualification C | Heavy Oils Table (HOQT) |
| | Qualification D | Coke Table (COQT) |
- B. Rotation shall be limited to tables A, B & C (GROUP I) rotating, and tables B, C & D (GROUP II) rotating, with GROUP I being the most senior on shift.
- C. Normal rotation for GROUP I will be tables A & B with table C being worked 1 week within a 2-month period.

- D. Normal rotation for GROUP II will be tables C & D with table B being worked 1 week within a 2-month period.
- E. GROUP I shall maintain Qualifications on (3) jobs: Heavy Oils, Light Oils and Finished Products.
- F. GROUP II shall maintain Qualifications on (3) jobs: Coke, Heavy Oils and Light Oils.
- G. Example of rotation:

Weeks of rotation																
	1st	2nd	3rd	4th	5th	6th	7 th	8th	9th	10 th	11th	12th	13th	14th	15th	16th
FP	A	A	A	A	B	B	B	B	A	A	A	A	B	B	B	B
LO	B	B	B	C	A	A	A	D	B	B	B	C	A	A	A	D
HO	C	C	C	B	D	D	D	A	C	C	C	B	D	D	D	A
CO	D	D	D	D	C	C	C	C	D	D	D	D	C	C	C	C

- H. Trainees shall maintain Qualifications on (3) jobs: Coke, Heavy Oils and GC Lab.
- I. Refinery Lab shall put in place a tracking system that will track the jobs testers are working on each shift. This will include the time worked and any training that has occurred on a particular job. Once a tester has qualified on a job, he or she should maintain a minimum level of exposure to the job to stay current.
- Exposure on the job can happen in four (4) ways:
1. Through normal rotation
 2. Through move-up on shift when covering vacancies
 3. Working on overtime
 4. Utilizing extra trainees to allow employees piggyback refresher training
- J. Lab Supervision will manage the assignment of extra Trainees to provide this on-shift training/piggy-backing. The Lab Supervision will review this data and any gaps will be corrected.
- K. GROUP II Senior Testers will only be required to train on the Finished Products (FPQT) when they permanently move into GROUP I. If there is a forecasted permanent move into GROUP I then the most senior GROUP II tester that will move into GROUP I can be trained prior to the move.
- L. Overtime, callouts or scheduling will follow the Order of Eligibility within the 12-hour Shift Agreement. Employees moving from Group II to Group I on a permanent basis will continue to be responsible for overtime coverage on the Coke Table for six (6) months or until qualified on the Finished Products table, whichever comes first.
- M. Trainees, when used to fill ANY vacancy, shall be assigned into the unit from the bottom up with any move-up from GROUP II to GROUP I to be the most senior person in GROUP II.

- N. When vacancies occur resulting in a callout, qualified Testers called out will work the job called out for unless that person is a tester not qualified for that job. The Tester not qualified for that job shall be assigned the highest level qualification they have causing the least amount of moves except as stated in Section V,L.
- O. If a 60 day vacancy occurs in the Rotating 12-hour progression, the #1 Trainee will be assigned to the shift the vacancy occurs on and will enter the progression at the "D" job and everyone else moving up in the shift seniority to the vacant position.

VI. SELECTION PROCESS FOR DAYLIGHT JOBS

- A. Volunteers from the remaining Lab Daylight jobs.
- B. Volunteers from the Lab Rotating 12-hour Shift will be solicited for all vacant positions. This selection group will include Lab Trainees with Management approval.
- C. Selection for the jobs will be based on qualifications, with the order of selection being seniority. The date the employee is chosen for a job becomes the job assignment day for future vacancy purposes.
- D. If a more senior person is passed over because of qualifications, the Company will have the burden of proof for disqualification through the grievance process up to and including binding mediation for that decision.
- E. If there are no qualified volunteers, the #1 Trainee will move up to the GC Lab and the GC Lab Tester will move to the vacancy.
- F. If a Daylight Tester is allowed to go back into the Rotating 12-hour Shift Testers' group, they will replace the vacancy left by their replacement and work that position until the beginning of a new year. Daylight Testers will not be allowed to swap with a Trainee working a rotating shift table.

VII. NO DAYLIGHT BACKUPS FROM THE SHIFT GROUP AFTER 18 MONTHS

- A. The timeframe for qualifying on new tables will be up to six (6) months.
- B. During a maximum 18-month time frame, qualifying daylight testers and trainees will be the priority.
- C. Once all the required hourly employees are qualified on the three (3) Daylight jobs (18-month time frame), use of the former backups from the 12-hour rotating shift will be eliminated.

VIII. LCR LABORATORY QUALITY TESTERS WILL FOLLOW THE OPERATIONS 12-HOUR SHIFT AGREEMENT UNLESS OTHERWISE SPECIFIED IN THIS SIDE LETTER.

Laboratory Overtime Filling Examples

1. 12-hour Rotating Tables:

Vacancy in FPQT, LOQT, HOQT, or COQT

1. Use normal 12-hour shift Order of Eligibility contract language steps 1, 2, 4, 5, 7, 8*, 9*, 10, 11, 13, & 14.

* For O.O.E. steps #8 & #9, change language from "below" to "outside the vacancy" to account for moving up or down through the three (3) tables qualified for. Choose in unit seniority order amongst those at this step working a rotating shift table.

2. Daylight Shifts:

Vacancy in KEQT (except for the 3rd week-end of the cycle)

1. Volunteer
2. Other KEQT
3. Qualified Lab Quality Tester (ANQT & GC) in 1st call group, in seniority order
4. Trainee qualified below KEQT assigned to 1st call shift, in seniority order
5. Trainee qualified below KEQT assigned to 2nd call shift, in seniority order
6. Trainee qualified below KEQT not assigned to shift, in seniority order
7. Other qualified Testers not on the schedule, in seniority order.

3. Daylight Shifts:

Vacancy in ANQT (except for the 3rd week-end of the cycle)

1. Same as KEQT (above)

4. Daylight Shifts:

GC Tester:

1. Volunteers first, in the following order:
 - i. Tester or Trainee last working on 1st call group
 - ii. Tester in 1st call group in seniority order – includes the Trainee moved up to Lab Quality Tester for six (6) months
 - iii. Qualified Trainee in 1st call group, in seniority order
 - iv. Qualified Trainee in 2nd call group, in seniority order
 - v. Steps 5. and 6. in Order of Eligibility for daylight Testers do not apply
 - vi. Other qualified Lab Quality testers not on the schedule