



*Over A Century Strong*

11/30/2020

Mr. Jerry Nies, President  
Penn Aluminum  
1117 North 2nd Street  
Murphysboro, IL. 62966

Dear Mr. Nies:

This is an open letter that I am sending to you on behalf of myself and our members employed by Penn Aluminum. On November 6, 2020, you posted a letter at the plant stating that 65% of the “production and maintenance” employees had signed a petition that they no longer wished to be represented by Local 702. The Company “withdrew recognition,” refused to comply with the Labor Agreement, and refused to process grievances. Local 702 made the decision that the quickest way to resolve the will of our members to continue to be represented by Local 702 was to petition the National Labor Relations Board (NLRB), a federal agency, to conduct a secret ballot election. Due to the pandemic, the election will be a “mail ballot” election.

We have been informed by our members that on November 20, you spoke about “respect” at a series of meetings with our members about the NLRB vote. We agree with you that this election is about respect. Respect comes from deeds, not words. We have three questions to ask you about respect and the Company’s recent conduct.

**Do you care that our members were duped?** Our members inform us that they were duped into signing their names on the petition with a “no” when asked the question by the person soliciting the petition, do you want to get rid of the Union. Later, someone wrote at the top of the petition “do you want the union.” Magically, the “no” to get rid of the Union became a “no” to keep the Union.

**How did you count 65% didn’t want the Union?** The Company’s November 6 letter states that 65% of the employees had signed the petition that they did not want the Union. We count 84 “no’s” on the petition. When we spoke with Adam Boss and Jamie Walker on November 6, we were told by them that the 65% had been calculated using an employee count of 137 and then 157. In mid-October, the Company submitted a report to the Union with an employee count of 173 at the end of September. 84 is less than 50% of 173 and not 65%.

**Is your conduct in keeping with the Berkshire Hathaway Code of Business Conduct and Ethics?** We have reviewed the Berkshire Hathaway Code of Business Conduct and Ethics which is available on the web. As a subsidiary of Berkshire Hathaway, you and Penn Aluminum are required to follow the Code. The Code provides under “Fair Dealing” that “**Covered Parties shall behave honestly and ethically at all times and with all people.**” Do you believe that your conduct is in compliance with the Code? Have you considered self-reporting your conduct to upper management or to the independent NAVEX Global as provided under the Code?

Local 702 will get to the bottom of this. The truth will come out. It always does. We hope that you and Penn Aluminum management share our commitment to the truth.

Fraternally yours,

*Steve Hughart*

Steve Hughart, Business Manager

**Sent Certified / RRR : 70181830000213839860**

cc Posted on Local 702's website for all bargaining unit employees